

Rep. Robert Sprague (R-Findlay) said his bill would expand the authority for county treasurers to invest in corporate bonds beyond the current limit to those with the two highest ratings of AAA or AA to those with an A rating.

"If all investment grade paper were permitted (AAA, AA, and A), these portfolios could be broadened and strengthened through diversification," he said. "The overall yield would also increase, because A rated paper has a higher yield than AAA or AA paper. Of course, it has increased risk, and the county treasurers will have to balance both risk and return for their portfolios. House Bill 46 would permit county treasurers to invest in A rated corporate debt, according to the needs of their portfolio."

The bill would also expand the allowable maturity of securities from two to three years, the sponsor said.

The current restriction "limits the portfolio to the low end of the yield curve, reducing the portfolio returns on taxpayer money. By going from a two year to a three year maturity, the portfolio could climb the yield curve with longer ladders and increase portfolio returns for taxpayers," Rep. Sprague said.

"There is opportunity cost, along with duration risk, when investing in longer dated securities, but in most cases, county investments are held until final maturity anyway," he added. If the bill becomes law, he said, it will "provide treasurers with greater flexibility and authority to make decisions that best fit their county's portfolio. While continuing to remain cognizant of protecting taxpayer funds, these policy changes will provide counties with greater opportunities to gain higher yields and further diversify investments.

Rep. Sprague said an amendment is forthcoming that will clear up confusion over the title of the bill and allay concerns from libraries that it will negatively impact their finances.

The sponsor told **Rep. Kent Smith** (D-Euclid) that while the bill stems from discussions on prior legislation regarding Israel bonds it is not related to another bill that impacted Metro Health in Cleveland.

HB 67 **JUDGMENT CONFESSIONS (Young, R.)** To prohibit a person from obtaining a confession of judgment from another person except in connection with the settlement of a dispute. (CONTINUED; 1st Hearing-Sponsor)

"This bill will promote fairness in commercial contract law," **Rep. Ron Young** (R-Leroy) said in sponsor testimony on the bill.

"Right now many financial institutions in Ohio offering private commercial loans add a clause onto their promissory notes that allow them to immediately call for and collect a debt without informing the debtor or giving the debtor any opportunity to defend themselves in court," he said. "Even if the lender has provided faulty goods, breached the agreement, or failed in a number of other ways, the lender can still demand and use a court to receive full payment of the loan balance immediately. This is called a confession of judgment, or in contract language a cognovit provision."

The bill, which is similar to legislation (HB291) that cleared the House Judiciary Committee last session on a 9-4 vote, would ban such provisions, he said.

"When a borrower signs a cognovit note, they are essentially signing away all of their rights. The real effect is that nearly every commercial contractor, doctor, dentist, veterinarian and small mom and pop business in Ohio, potentially signs away their business, their homes,

their checking accounts, and their personal property, without notice and without the right to defend themselves even in cases where the lender was at fault."

Responding to questions from the committee regarding whether loans could be called in for missed payments, Rep. Young said the issue becomes complicated based on differing interpretations of various sections in Ohio law.

He told the panel that Ohio is unusual in how the "drastic measure" of the boilerplate contract language is treated.

Presentations: The panel heard presentations from the Department of Commerce, Ohio Bankers League, Ohio Credit Union League and Community Bankers Association of Ohio. Kevin Allard, acting superintendent of DOC's Division of Financial Institutions, outlined the agency's duties and operations.

The Division oversees Ohio's state-chartered depository institutions, which include banks, savings institutions, credit unions, and trust companies, he said. It also regulates non-depository financial service providers such as small loan lenders, money transmitters, mortgage lenders, pawnbrokers, credit service organizations, and check cashers. All told, the division oversees 15 different license types and more than 20,000 licensees.

"Our philosophy of providing fair and consistent regulation extends to Ohio-chartered financial institutions as well," Mr. Allard said. "The Credit Union Section, Banks and Savings Institutions Section, and the Consumer Finance Section are each led by experienced and knowledgeable deputy superintendents who have many years of experience in their areas of specialization."

Mr. Allard described the overall financial health of the state's depository institutions as "strong."

"Of the Division's 123 state-chartered banks and savings institutions, 97% have a satisfactory or higher rating with the Division. Of the Division's 133 state-chartered credit unions 74% have a satisfactory or higher rating," he said, adding that the size of chartered institutions continues to grow. While chartered banks and savings institutions had \$183.6 billion in assets at the end of 2016, compared to \$166.3 billion at the end of 2014, credit unions have also grown to \$19.3 billion from \$16.7 billion over the same period.

DOC is funded without state general revenues, Mr. Allard explained.

Annual assessments are paid by regulated credit unions and money transmitters to fund the operations of those sections, and the Consumer Finance section is funded by licensing fees, he said. "Banks and savings institutions have historically paid an assessment, and we anticipate that funding mechanism returning in the near future. Not one penny of taxpayer money is used to fund the Division."

Responding to a question from Rep. Smith, The acting superintendent said the division's budget is about \$11 million a year.

Steve Foster, CEO of LCNB National Bank and chairman of the OBL's Board of Directors, said the group was founded 126 years ago and is comprised of Ohio's commercial banks, savings & loan institutions and savings banks. Its mission is to carry out those activities best done cooperatively, he said.

"The OBL is proud to represent all banks and thrifts in Ohio, from the state's smallest savings and loan, with \$13 million in assets located in the coal country of eastern Ohio to some of the

largest banks in the nation. OBL member banks collectively represent about 98% of the assets of the Ohio banking industry. In terms of our diverse education offering, staff size and budget, the OBL is among the most robust banking trade associations in the country."

"Ohio is a leading banking state in terms of size," Mr. Foster said. "We rank second in the nation in assets of banks chartered here. While our number of individual charters continues to decline like every other state across the country the Ohio banking industry continues to grow in size and stability. In 2003 we counted 307 and today we have 197 banks and thrifts headquartered or chartered in Ohio." Banks collectively employ more than 140,000 people in the state, he said.

Patrick Harris, vice president of government affairs for the Ohio Credit Union League, described his group's members as "not-for-profit, democratically-controlled, financial cooperatives that contribute market-stabilizing, pro-consumer products and services to the financial services sector."

He said credit unions are different from for-profit institutions in many ways, but highlighted three: structure, philosophy, and mission.

In terms of structure, he said, "Year-end revenue is returned to the credit union, and ultimately to the member/owner. In Ohio, this structure means Ohio's 2.8 million credit union members received \$183 million in direct financial benefit."

The philosophy of credit unions is that they exist to enrich members' financial lives, he said. "The financial services industry is rife with models designed to profiteer. The credit union model simply seeks to teach members and consumers to live within their means and provide the tools, products, and advice on how to do so."

The mission of credit unions, he added, is to improve lives by extending credit and encouraging thrift. In that regard, he said credit unions "refer to ourselves as a movement rather than an industry"

Robert Palmer, president and CEO of the Community Bankers Association of Ohio, said his group represents 175 community banks with about 1,200 locations and more than 13,000 employees. The banks hold more than \$65 billion in assets, \$50 billion in insured deposits and \$45 billion in net loans, he said.

Community banks have assets of \$10 billion or less and must meet several other criteria, including a focus on local deposits and loans, he said.

"We are relationship lenders that play a vital role in lending to consumers, small businesses and the agricultural industry in Ohio," Mr. Palmer said.

"At CBAO we believe we are more than just an association as we were organized to establish and maintain an informed network of independent community banks in the state of Ohio that will have the influence and commitment to serve, protect and promote the interest of the community banking industry."

The group maintains an active legislative and regulatory focus at the state and federal levels, he said. In Washington, D.C. that entails partnering with the Independent Community Bankers of America.

Responding to a question from Rep. Andrew Brenner (R-Powell), the witness said community banks have seen regulatory burdens increase under the federal Dodd-Frank law,

which he said lumped different size institutions together for oversight purposes and has led to consolidations.

Subscribers Note: Full testimony on the bills and presentations is available on the committee's website under March 7.

Finance: Primary & Secondary Education Sub.

See separate story.

Finance: Health & Human Services Sub.

Department of Aging: Director Stephanie Loucka said the department's budget request includes changes that would bring the State Long-Term Care Ombudsman into compliance with new federal regulations, develop nursing home improvement projects, and give the state more flexibility in delivering long-term care through Medicaid waivers.

The budget request is for \$93.25 million per year in Fiscal Years 2018 and 2019, up from \$91.3 million in FY 2017. (Redbook)

The budget includes a \$500,000 appropriation each year for the ombudsman's office for more outreach to MyCare Ohio regions.

In long-term care waivers, the budget asks for more flexibility in exploring new venues of service delivery and to move changes in long-term care consultations from statute to rule.

Rep. Michael O'Brien (D-Warren) asked about the proposal to move the consultations from statute to rule. Director Loucka said as federal regulations change, the department needs to be able to ask different questions in the consultations.

"We need to be more adaptable in what we need to ask individuals," she said.

Rep. Sarah LaTourette (R-Chagrin Falls) said she's heard from local area agencies on aging that funding should increase for senior disability services and other programs.

Director Loucka said a lot of improvements can be realized through partnerships with other organizations.

"We know that we have a lot of complex problems facing our aging population," she said.

"We think we can solve a lot of those problems without increasing funding."

JMOC: Susan Ackerman, executive director of the Joint Medicaid Oversight Committee, testified on the committee's budget but also spoke with the committee about the Medicaid inflation target it sets.

JMOC's budget proposal asks for \$351,355 in Fiscal Year 2018 and \$518,538 in FY 2019, from an estimated \$490,320 in FY 2017. The budget is higher in the second year of the biennium due to higher actuarial costs, Director Ackerman said. (Redbook)

The subcommittee focused mostly on the target Medicaid inflation rate JMOC sets for the state's whole Medicaid program. JMOC set the rate at 3.3% per member per month after receiving a report from its actuary. The executive budget proposes a rate of 4.29% on average over the biennium, citing a growth in the number of waivers for developmental disabilities services as the cause. (See Gongwer Ohio Report, February 16, 2017)

In her testimony, Director Ackerman outlined a couple of different ways the projections for the budget could be calculated based on different scenarios. The scenarios include one that is case-mixed, meaning the PMPM costs are calculated separately by population and aggregated with the same population mix across the biennium. Another scenario - this one coming in below 3.3% - calculates it by disaggregating aged, blind and disabled and dual-

enrolled populations into those who receive long-term care through the Department of Developmental Disabilities and those who do not.

Director Ackerman said some factors, such as the movement of more people to the aged, blind and disabled populations and the shifting of more people from fee-for-service programs to managed care, are skewing the data.

Rep. Robert Sprague (R-Findlay) said the Medicaid program stayed well under that rate before.

"For the first couple years of the Medicaid expansion, we saw a lowering of the growth rate," he said, asking if there were new pressures from the DD budget or from other areas.

Director Ackerman said long-term care services from DODD, through just Medicaid and through dual enrollment, are far more expensive than services provided to others in Medicaid.

"These costs are actually fairly stable in the DODD population," she said. "They're just very, very high."

Department of Insurance: Jillian Froment, the department's deputy director, testified about the budget proposal and the issues the department expects to face in the next biennium.

Under the budget, the department's funding would rise to \$39.1 million in both Fiscal Years 2018 and 2019, up from \$38 million in FY 2017, a 2.9% increase. **(Redbook)**

Ms. Froment said the department will also seek a \$400,000 appropriation each year due to a federal grant it received after the executive budget was released. The appropriation, related to the Medicare outreach program, would not affect General Revenue Funds.

Some of the department's top challenges entering the new biennium include regulating an insurance industry that is adapting to new technology and navigating changes in the health insurance market.

More than half of Ohio's counties have only one or two health insurance carriers on the Affordable Care Act exchange, she said.

Chairman **Rep. Mark Romanchuk** (R-Mansfield) asked if there have been problems with insurers not following the mental health parity law, which requires them to cover addiction treatment, among other things. Ms. Froment said the department reviews that in reviewing policies.

"What we are hearing is that the underlying problem is having actual providers or clinics where people can receive those services," she said.

Education & Career Readiness

HB 47

EXTRACURRICULAR ACTIVITIES (Bocchieri, J.) To enact the "Students to Soldiers Support Act (S3A)" regarding the participation of students who are serving in the uniformed services in extracurricular activities at public and nonpublic schools and public and private colleges. **(CONTINUED; 1st Hearing-Sponsor)**

Rep. John Bocchieri (D-Alliance) said the bill would prohibit schools from "preventing a student from participating in any part of an extracurricular activity because of an absence due to military service."

The bill stems from an incident in his district in which a student on the girl's basketball team who wanted to volunteer for training to enlist in the military was benched for a game by her coach for missing a practice to do so.

"This incident highlighted a weakness in our military service protection laws," the sponsor said. "As a military reservist myself, I know that our civilian jobs are protected under federal and state law when we engage in voluntary and involuntary service with the US Armed Forces. This protection is provided under USERRA law, or the Uniformed Services Employment and Reemployment Rights Act of 1994. This law guarantees that uniformed service members are not disadvantaged or discriminated against in their careers as a result of military obligations.

"In essence, you can't be fired, demoted or deprived of career opportunities because of past, present or future military service," he said. "However, this statute only applies to employees who are paid for work, not students, even though individuals in college or high school are just as likely to undergo training or other activities as a part of their service obligations."

"In fact, the average enlistment age for both the Active Army and Reserves has been steadily decreasing over the past several years. But these students have no protections in the school-related activities they may be involved in."

"We should never put individuals serving or attempting to serve our country in a situation where they do not feel supported by their community," Rep. Boccieri added. "The Students to Soldiers Support Act would guarantee that high school and college students participating in extracurricular and other school activities do not face any consequences for keeping their military obligations."

The sponsor said that since its introduction the bill has won the support of all the major veterans' groups in the state.

Rep. Teresa Fedor (D-Toledo) suggested that students should be able to get excused absences from school when their parents return from military service. The sponsor said he'd be willing to work with the committee on changes to the bill.

HB 80 **SUMMER FOOD PROGRAM (LaTourette, S., Smith, K.)** To require school districts to allow approved summer food service program sponsors to use school facilities to provide food service for summer intervention services under certain conditions. (CONTINUED; 1st Hearing-Sponsor)

Rep. Sarah LaTourette (R-Chagrin Falls) and **Rep. Kent Smith** (D-Euclid) provided sponsor testimony on the bill, which aims to increase access to summer meal programs across the state. Both cited statistics and studies indicating that most students who are eligible for the program aren't participating, saying their bill aims to encourage more districts to offer summer meals who otherwise couldn't operate the program due to fiscal restraints.

The bill would require third-party providers to have insurance and be pre-approved, they explained. Districts could charge appropriate fees for the use of the facilities and related services such as janitorial, use of school equipment and utilities.

The bill "would allow school districts where at least one half of the students are eligible for free lunches to make their facilities available to an approved summer food service," Rep. LaTourette said. "By allowing a summer meal sponsor to partner with a school district that already qualifies for the federal Summer Food Service Program, we would be removing

barriers that some of Ohio's children face to obtaining healthy food outside of the school year."

Rep. Smith said research indicates only about 10% of the 646,897 Ohio children eligible for the summer program participate. Additional data shows Ohio is near the top among states in terms of a "food hardship rate" and several large cities in the state are also dubiously ranked, he said. "All of our urban centers are in the top half of United States cities for their rate of food hardship."

A key funding in the latter "How Hungry is America report, he said, is a recommendation for expanded nutritional programs, which is the aim of the bill.

Similar legislation (SB247, 131st General Assembly), unanimously cleared the House committee last session but did not make it back through the Senate in lame duck, he said. Responding to questions from the panel, the sponsors said implementation of the bill should be fairly quick given that third-party providers would have to be pre-approved, it would adequately protect districts from liabilities due to the insurance requirements and other guidelines, and it should increase access because it would allow districts that can't afford their own programs another option.

Rep. LaTourette told Rep. Fedor that the bill does not address transportation issues.

Ways & Means

See separate story.

Subscribers Note: For full testimony see the [committee's website](#) under March 7.

Economic Development, Commerce & Labor

HB 2 **CIVIL RIGHTS LAWS (Seitz, B.)** To modify Ohio civil rights laws related to employment. (CONTINUED-AMENDED (See separate story); 4th Hearing-All testimony-Possible amendments & vote)

HB 42 **UNSAFE TIRES (Sprague, R., DeVitis, T.)** To prohibit the installation of unsafe used tires on certain motor vehicles. (CONTINUED (No testimony); 3rd Hearing-All testimony)

Subscribers Note: For full testimony see the [committee's website](#) under March 7.

Federalism & Interstate Relations

HJR 2 **CONSTITUTIONAL CONVENTION (Hagan, C., Patmon, B.)** Application to the Congress of the United States for a Convention of the States under Article V of the Constitution of the United States that is limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and Members of Congress. (CONTINUED; 1st Hearing-Sponsor & proponent)

Rep. Bill Patmon (D-Cleveland) and **Rep. Christina Hagan** (R-Alliance) outlined the return of the resolution which would add Ohio to the list of states pressing for a constitutional convention to amend the U.S. Constitution.

Rep. Hagan said a convention would be an opportunity for citizens to push back on federal intrusion and overreach, and would have a limited scope, including fiscal restraints, the power of the federal government and term limits.

"Federal laws now impede upon nearly every aspect of our lives," Rep. Hagan said. "Very personal aspects such as but not limited to: what kind of light bulbs we can buy, farming practices, school curriculum, school lunches and most recently and egregiously our individual freedoms and rights to choose our own health care and insurance policies."

Rep. Patmon said the convention could press for an amendment to address the nation's "astounding" \$19 trillion debt.

"We need to make the federal government more responsive to the people," he said. "Calling a Convention of States will demonstrate that the people will take action when necessary to steer our country back on the right course."

Rep. John Becker (R-Union Township) raised concerns that a convention could open the door to a far-reaching rewrite of the constitution, adding that courts have for years interpreted the document in ways the founders couldn't have envisioned.

He said there is a risk that delegates could create an entirely new constitution that makes major changes, including dropping the 2nd Amendment and providing the right to free food, housing and abortion. The rules for ratifying proposed changes could also be adjusted, he said.

Rep. Patmon said many agree that the federal government is in "bad shape," but said he doesn't see any potential for a constitutional convention to go beyond its initial focus.

Rep. Hagan added that the resolution specifies that the convention would have a limited scope, but said there could be further discussion on separate legislation that would confine the subjects even more.

Rep. Hagan added that it would only take 13 states to reject any changes to the document.

Rep. Ron Young (R-Leroy) offered similar thoughts, saying he doesn't see anything in Article 5 that limits the scope of what could be considered.

Rep. Kyle Koehler (R-Springfield) said the issue of holding a convention is one that divides conservatives across the country. Some, he said, support the effort, while others are "scared to death" of what could happen as a result.

Convention of States Project co-founder Mark Meckler also testified, telling the committee it is up to the citizens to take back power from the federal government. The group needs two-thirds of state legislatures -- 34 -- to pass resolutions applying for a convention, he said.

"With this approach, the convention could propose a balanced budget amendment accompanied by limitations on Congress' spending and taxation powers," he said. "It could propose limits on executive power, federal agencies, and impose real checks and balances on the Supreme Court."

He said the resolution addresses a key problem in American governance. "The American people do not approve of the game being played on us and with us in Washington, D.C."

He said the convention has no authority to do anything other than to propose changes, and said legislatures likely wouldn't appoint delegates who they thought wouldn't handle their duties responsibly.

Mr. Meckler added that the country has a long history of conventions, and there has never been an indication of a single debate exceeding its prescribed scope. "There is no reason to fear," he said.

HB 79 **FIREARMS TRAINING (Retherford, W., Hagan, C.)** To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee. **(CONTINUED; 1st Hearing-Sponsor)**

Rep. Wes Retherford (R-Hamilton) said he got the idea for the bill from Butler County EMTs who also serve on the regional SWAT team.

"The intent of the legislation is to clarify existing law pertaining to medical members of a SWAT team carrying a sidearm while on duty with the SWAT or tactical response team and to establish minimum standards," he said.

The permissive legislation would require any tactical EMT to participate in the Ohio Peace Officer Training Academy basic firearms portion of the police academy and to meet additional minimum standards outlined by their departments.

They would receive the same civil liability protection as their department when acting in accordance with state law and department procedures in the course of their duties. The bill would not permit EMTs to carry when participating in duties as a paramedic, EMT, or firefighters, Rep. Retherford said.

Rep. Hagan described it as a "common sense measure" to protect first responders.

"It is needed to provide a framework for the application of such practices and necessary to alleviate concerns of locals who have a desire to move forward in providing training and protection to these vulnerable public servants," she said.

Rep. Retherford told Chair Roegner that he is unaware of any other states that have passed similar bills, but said the practice may be in place elsewhere due to the structure of laws.

Rep. Adam Miller (D-Columbus) suggested the sponsors work to align the definition of "tactical" with other common uses in the National Guard and elsewhere.

HB 85 **HEALTH CARE COMPACT (Retherford, W.)** To enter into the Health Care Compact. **(CONTINUED; 1st Hearing-Sponsor)**

Rep. Retherford said his bill would add Ohio to the list of states that have already adopted the Health Care Compact - an interstate contract which has been approved by a majority of Congress. Eight states are currently operating under the compact, with six others considering similar legislation.

"When approved by Congress, compact member States are empowered to decide directly how to spend the money the Federal Government currently spends on each state respectfully, based off of 2010 spending," he said.

That's about \$35 billion for Ohio, he said, to be adjusted annually for inflation and changes to the Gross Domestic Product.

"We, as state representatives and senators, would be able to use that money through what would basically be block grants to spend on our own, towards health care in Ohio," he said.

"I believe that the Health Care Compact will give Ohio and other states a distinct advantage at truly making health care costs affordable for all residents. The growing support for this legislation is a true testament to state lawmakers who want to protect their constituents and actually get a say in Healthcare issues."

Rep. David Leland (D-Columbus) pressed for more specifics on how the compact works. Rep. Retherford said constitutionally, a compact is only in effect when you have two or more states involved and there is congressional approval. Congress has not yet approved the compact, he said. Nine states have already signed on, Rep. Retherford said, and there has been congressional legislation introduced previously to approve the compact. "We obviously want to have a little more states involved before the active push," Rep. Retherford said, adding that the more states sign on the stronger the compact's odds of success become.

Speaker Rosenberger: At Chair Roegner's invitation, House Speaker Cliff Rosenberger (R-Clarksville) made an appearance before the panel to stress the importance of the new committee.

He said the relationship between the federal government and the states is essential, adding that he believes in upholding state rights.

He added that the panel's efforts to keep an eye on federal actions can make Ohio more competitive, adding that surveys show that Americans feel that more can be done at the state level than at the federal level.

The speaker recalled that President Donald Trump last week made a pledge to work closely with governors on policy issues. "Sometimes I think people forget it's not just governors that make decisions for the states," he said.

State & Local Government

HB 44 **DAY DESIGNATION (Patmon, B.)** To designate May 24 as First Responders' Appreciation Day. **(CONTINUED: 1st Hearing-Sponsor)**

Daniel Patmon, grandson of **Rep. Bill Patmon** (D-Cleveland) testified in support.

In his testimony, Mr. Patmon described the personal experiences that led him to think critically about the sacrifices first responders make that often times go unrecognized.

"This legislation will say thank you to all of Ohio's first responders," he said.

Rep. Patmon submitted written testimony in support of the bill.

HB 54 **REVENUE OBLIGATIONS (Blessing, L., Gavarone, T.)** To authorize the Treasurer of State to issue revenue obligations of the state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities. **(REPORTED (No testimony; Set for Wednesday, March 8 floor vote); 3rd Hearing-Possible vote)**

HB 59 **DAY DESIGNATION (Leland, D., West, T.)** To designate October 7 as "Moses Fleetwood Walker Day." **(REPORTED (Set for Wednesday, March 8 House floor vote); 3rd Hearing-Possible vote)**

Written testimony was submitted by Chris Brown, adjunct lecturer at Kent State University, who wrote, "Moses Fleetwood Walker was a baseball player, but he was so much more. He not only helped lead America into the eventual integration of athletics, but helped America discuss what it meant to be equal. This being in itself a discussion of what it means to be an American."

Additional written proponent testimony was submitted by Todd Kleismit, director of community and government relations for the Ohio History Connection.

"The Ohio History Connection hopes that the Ohio General Assembly will look favorably upon this legislation, which can assist in reminding Ohioans of another one of our state's pioneers in his field of endeavor," Mr. Kleismit wrote.

Written proponent testimony was also submitted by the City of Cadiz, the Society for American Baseball research Negro League Committee, and Oberlin College.

HB 65 **SANITARIAN REVIEWS (Hill, B.)** To require the Director of Agriculture and the Director of Health to adopt rules governing reviews of registered sanitarians and sanitarians-in-training who conduct inspections of retail food establishments and food service operations. (**CONTINUED**; 2nd Hearing-Proponent)

Chad Brown, president of the Ohio Environmental Health Association, gave proponent testimony in support of legislation to improve food safety and assist in preventing foodborne illnesses.

The current approach used by the departments of Health and Agriculture for evaluating sanitarians overemphasizes standard violations rather than critical violations that cause foodborne illnesses, he said.

"This overzealous approach fails to allow inspectors to work collaboratively with our industry partners to gain compliance and ensure the food they are serving is safe," Mr. Brown told the panel.

The ODH and ODA approach does not allow inspectors to use professional judgement during an inspection, he added.

In contrast, this bill allows an inspector to not only take a risk based approach to a food safety inspection, but also educate the operator during the inspection regarding the critical violations, he said.

"This bill raises the bar beyond what the current approach requires," Mr. Brown said. If enacted, inspectors would be required to identify 90% of critical violations, as opposed to the 80% required currently.

OEHA has proposed scoring only on critical violations, while still noting noncritical violations and necessary improvements.

Additionally, OEHA has proposed only allowing a Registered Sanitarian to conduct surveys in local health departments rather than the current practice of having sanitarians in training conduct surveys on behalf of the state.

This legislation aims to emphasize risk-based inspections to protect the health of the public, Mr. Brown told the panel.

Mr. Brown told Chairwoman **Rep. Marlene Anielski** (R-Walton Hills) that a missing ceiling tile or a faulty light bulb would be considered noncritical violations. He explained that independently, noncritical violations do not pose the risk of causing foodborne illnesses, but the buildup of noncritical issues could in time lead to critical ones.

Following Mr. Brown, Duane Stansbury, Warren County Health Commissioner and former president of the Association of Ohio Health Commissioners testified in support of the bill.

"We believe this risk-based approach to food safety inspections has and will continue to improve food safety throughout the state," Mr. Stansbury said in his testimony on behalf of AOHC.

AOHC supports the statewide standardization of sanitarians, one of the aims of the new survey methodology, Mr. Stansbury said.

Currently, the FDA's standardization process requires extensive classroom and field training which neither ODH nor ODA provides. The guidance of the state agencies is necessary to make uniform food safety inspections a reality, he said.

Paul DeSario, Supervisor of Food Protection Programs at the Cuyahoga County Board of Health.

Mr. DeSario testified that CCBH supports the legislation's proposal to establish a standardized structure for both the ODH and ODA to ensure that sanitarians meet minimum standards during inspections.

The current approach used by ODH and ODA conflicts with FDA's endorsement of the use of risk-based food safety inspections to reduce foodborne illnesses, he said in proponent testimony.

"Creating a laundry list of noncritical violations, in lieu of focusing on critical issues that can explicitly lead to foodborne illness, does nothing more than create and foster an antagonistic relationship between the inspector and the operator and can actually be counterproductive to compliance," Mr. DeSario explained.

Rep. Michael O'Brien (D-Warren) asked if inspection practices differed between food trucks and restaurants. Mr. DeSario replied that food trucks are inspected more frequently than restaurants.

Mr. DeSario told **Rep. Brian Hill** (R-Zanesville) that the two critical violations that sanitarians tend to see are unsuitable food temperatures and servers not washing their hands.

Luke Jacobs, assistant administrator of the Environmental Health Division of Columbus Public Health gave proponent testimony bill on behalf of the organization.

CPH supports the bill's proposal to only allow a RS to conduct a survey and to increase communication between inspectors and operators at the time of inspection, he said. "As it stands without this legislation, our sanitarians, and in turn, local business owners, are being subjected to redundant violations without the information needed to address them."

Regarding the practice of marking local health departments out of compliance when more than half of sanitarians identify less than 80% of violations, Mr. Jacobs told Rep. Hill that if inspectors are missing more than 20% of violations the issue needs to be addressed.

The committee next heard from Steve McElhatten, vice president of operations for Mortellaro's McDonald's, which operates 17 McDonald's Restaurants in four counties in Ohio.

"I am here to urge you to allow the health inspectors that inspect our facilities to be able to exercise professional judgement and common sense," Mr. McElhatten said in his testimony.

Chris Chmiel, owner and operator of Integration Acres in Athens County asked the committee to support the bill to protect small businesses from over-regulation and to improve food safety throughout Ohio.

"I'm supporting the notion that government and industry can work together to achieve compliance, and more importantly, increase the level of food safety in the state," Mr. Chmiel said in his testimony.

Mr. Chmiel told Rep. Hill that its challenging for a small farmer to attend a farmers' markets with the heavy regulations imposed upon them, but that local sanitarians have worked with them to overcome such challenges.

In response to the inquiry of Rep. Rick Carfagna (R-Genoa Twp.) Mr. Chmiel said that in his experience no food born illnesses have occurred from farmers' markets, yet regulations are increasing.

Brent Dewey, owner and operator of The Trout Club located in Newark testified that as a small business owner he supports the bill because it will prevent overregulation of small businesses and improve food safety in Ohio.

Additional written supporting testimony was submitted on behalf of East of Chicago Pizza, the Restaurant, Hotel and Tourism Program at Ohio State, Englefield Oil Company, Ichor Restaurant Group, and the Ohio Council of Retail Merchants.

HB 69 **TIF DISTRICTS** (Cupp, R.) To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Robert Cupp (R-Lima) said his bill will assist townships that provide fire, emergency medical and ambulance services to both the township and to a municipal corporation located within the township that does not provide its own.

The bill amends existing Tax Incremental Financing Law to add township fire, emergency medical and ambulance levies to the list of special-special purpose levies, he said in the testimony.

The current law "works well when the political subdivision creating the TIF district also provides the governmental services that affect the TIF. But this is not always the case," Rep. Cupp told the panel.

This bill gives townships the choice of collecting the reimbursement, waiving it, or negotiating a partial reimbursement of the money the levy would have raised but for the TIF, Rep. Cupp explained.

The bill only applies prospectively and to TIFs created by municipal corporations where townships provide the fire, emergency, or rescue services.

HB 84 **MONTH DESIGNATION** (Arndt, S., Patton, T.) To designate June as "Ohio Goes Boating Month." (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Steven Arndt (R-Port Clinton) said in testimony that the western basin of Lake Erie has the third largest concentration of boats in the U.S. only behind Marina Del Ray and Miami Beach. This is a \$3.6 billion industry in Ohio.

This bill also emphasizes the importance of maintaining the health and cleanliness of the Lake Erie environment, he said.

Subscribers Note: Full testimony is available on the committee website under March 7.

Finance: Higher Education Sub.

See separate story.

Criminal Justice

HB 19 **DRUG PRODUCTION** (Blessing, L., Landis, A.) To include recklessly causing, by means of fire or explosion, physical harm to the offender's or another person's motor vehicle, house, building, or other structure, or to any other property of another person, while manufacturing or attempting to manufacture a controlled substance, as a violation of the offense of arson. (CONTINUED; 2nd Hearing-Proponent)

Sponsoring Rep. Al Landis (R-Dover) told the panel that the legislation is necessary to clarify the law and ensure that those who start a fire in the process of manufacturing a controlled substance can be charged with arson.

"Right now, it is open to interpretation, and not everyone is on the same page," he said. "We seek to get everyone on the same page."

He told the panel that the problem of methamphetamine labs is a statewide issue, in both rural and urban areas.

Mike DeFrancisco, on behalf of the Ohio Association of Professional Fire Fighters, told the panel that over the past 17 years, he has investigated more than 2,000 fires that were the result of the illegal manufacturing of controlled substances.

Greg Chetwood, deputy fire chief of the Harrison Fire Department, said the legislation is necessary because of the increased production of methamphetamine.

"Over the past several years the criminal production of methamphetamines has caused explosions and serious fires which did significant damage to property of innocent people such as rental properties or adjoining structures. In a case several years ago, a structure was literally demolished when the drug manufacturing operation went wrong causing a buildup of liquid propane to ignite which caused a large explosion at that house," he said.

The Ohio Prosecuting Attorneys Association also provided testimony in support of the bill.

HB 38 **AGGRAVATED MURDER** (Greenspan, D.) To provide that purposely causing the death of a first responder or military member is aggravated murder and to require an offender to serve the prison term imposed for felonious assault on a peace officer, investigator, first responder, or military member consecutively to the prison term imposed for any related offense. (CONTINUED (See separate story); 2nd Hearing-Proponent)

HB 56 **HUMAN TRAFFICKING** (Dever, J., Gavarone, T.) To permit a person who is found not guilty or is the defendant in a dismissed case to apply for an expungement of the person's records in the case if the complaint, indictment, or finding of not guilty resulted from the applicant having been a victim of human trafficking, to permit a person convicted of certain prostitution-related offenses to apply for the expungement of any record of conviction of an offense, with certain exceptions, if the person's participation in the offense was a result of having been a victim of human trafficking, and to authorize intervention in lieu of conviction for persons charged with committing an

offense while a victim of compelling prostitution. (CONTINUED; 1st Hearing-Sponsor)

Rep. Jonathan Dever (R-Cincinnati) and **Rep. Theresa Gavarone** (R-Bowling Green) told members of the panel that the legislation will expand the crimes eligible for expungement for victims of human trafficking.

"Current law allows trafficking-related convictions to be expunged from a person's record if they were committed while he or she was being trafficked. The law is being interpreted in a way that only allows very specific crimes to be expunged. In reality, there are other crimes, such as theft and drug offenses that a victim of human trafficking is forced to commit during the course of being trafficked," Rep. Gavarone said.

The measure will also allow victims of human trafficking to request expungement in cases of findings of no guilt or dismissed charges.

"The bill also allows intervention in lieu of conviction for a person who was charged with prostitution or other associated crimes while being compelled into prostitution. Current law allows people who are convicted of prostitution while being trafficked to choose an intervention program instead of a conviction," Rep. Gavarone said.

HB 6 **CRIMINAL RECORDS (Barnes, J.)** To prohibit a person who publishes or disseminates criminal record information from soliciting or accepting a fee to remove, correct, modify, or refrain from publishing or otherwise disseminating the information and to provide criminal and civil remedies for a violation of the prohibition. (REPORTED; 3rd Hearing-All testimony-Possible amendments & vote)

Prior to the bill being reported, attorney Scott Ciolek called the practice of using public records to post mugshots online and then charging for their removal a form of extortion.

"The individuals that are most affected by this are the poor members of society," he said.

Rep. Bill Seitz (R-Cincinnati) questioned whether the legislation would apply to even those who were convicted.

Mr. Ciolek said the measure is meant to apply to all mugshots. There is no prohibition against publishing them, he said, but companies will no longer be permitted to charge for their removal.

Stephen JohnsonGrove of Ohio Justice and Policy Center also provided testimony in support of the bill.

HB 81 **DEATH PENALTY (Seitz, B., Antonio, N.)** To provide that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense.

(CONTINUED; 1st Hearing-Sponsor)

The legislation was crafted based on a U.S. Supreme Court ruling that found those with serious mental illness should be spared from the death penalty, sponsoring Rep. Seitz told the panel.

"This does not mean that a defendant will escape punishment - they can still be found guilty and can still be imprisoned. HB81 would prohibit only the execution for an individual who has been found to have a serious mental illness, defined in the bill as a clinical diagnosis of schizophrenia, schizoaffective disorder, bi-polar disorder, major depressive disorder, or delusional disorder," he said.

Rep. Seitz also addressed several criticisms of the measure, including that there are already safeguard in place to protect the seriously mentally ill. However, he said some Ohio jurists have said those safeguards are not strong enough.

"Ohioans may be split on the issue of legality concerning the death penalty, but most will concede executing an individual found to be suffering from a serious mental illness at the time of the crime is neither fair nor just, and this punishment should be reserved for those who have intentionally done mortal harm to another," he said.

The bill's other sponsor, **Rep. Nickie Antonio** (D-Lakewood), reiterated Rep. Seitz's testimony.

"A plea of insanity does not protect those with serious mental illness from the death sentence. The insanity defense is not available to a person whose mental illness significantly impaired his or her capacity to exercise rational judgment in relation to the person's conduct; conform the person's conduct to the requirements of law; and/or appreciate the nature, consequences, or wrongfulness of the person's conduct," she said.

Rep. Dorothy Pelanda (R-Marysville) questioned the retroactive nature of the bill.

"You're calling for the retrying of every death row inmate in Ohio?" she asked.

Rep. Seitz said the legislation would impact just 22 death row inmates and it would not require a retrial.

SB 25

PERRY COUNTY COURT (Hottinger, J.) To create the Perry County Municipal Court in New Lexington on January 1, 2018, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017 and to declare an emergency.

(CONTINUED; 1st Hearing-Sponsor)

Sponsoring **Sen. Jay Hottinger** (R-Newark) said the need for the legislation arose after the village of New Lexington ceased operations of its mayor's court in 2013, leading to an increased caseload for other courts in Perry County.

The Ohio Supreme Court reviewed the matter and recommended that a part-time judgeship be converted into a full-time position to ensure judicial efficiency, Sen. Hottinger said.

In the last General Assembly, similar legislation cleared the Senate unanimously but did not receive a vote in the House.

Subscriber's note: Full testimony is available on the **committee's website** under March 7. **Finance: State Government & Agency Review Sub.**

Athletic Commission: The commission's budget request for Fiscal Year 2018 and FY 2019 was \$326,525 each year, the same as estimated spending in FY 2017. (**Redbook**)

Bernie Profato, the commission's executive director, said in written testimony that its challenges entering the new biennium include the constantly changing formats of unarmed combat sports events and the difficulty of licensing all participants.

The commission touted accomplishments, including improving the safety of fighters by working with the Cleveland Clinic to obtain no-cost MRIs.

Architects and Landscape Architects Board: Executive Director Amy Kobe said in written testimony that the board is requesting \$576,916 in Fiscal Year 2018, an increase of 5.2% over FY 2017, and \$604,765 in FY 2019. (Redbook)

The board also projects total revenue of approximately \$1.24 million, compared to its \$1.18 million appropriation request.

Director Kobe said the increase is due to rising costs outside of the board's control, such as rent, payroll, the cost of eLicense, bank fees and an audit.

Respiratory Care Board: Executive Director Corey Schaal testified on behalf of the board, which would be split into two as part of the proposed reorganization plan in the budget bill (HB 49), with responsibility for regulating respiratory care moving to the State Medical Board and responsibility for regulating home medical equipment going to the Pharmacy Board.

Director Schaal said the executive budget is requesting \$363,106 for FY 2018, and nothing for FY 2019. The board initially requested a flat amount of \$590,032 in FY 2018 and a 7.7% increase to \$635,371 in FY 2019. (Redbook)

The director said the board currently brings in more revenue each biennium than it spends, and suggested that any reorganized structure include people with expertise in the field working on regulations.

"If Board reorganization is to occur, then it is hoped that the members of the General Assembly would act to put safeguards into place to maintain the effective role served by Board members who take their duties and obligations seriously," Director Schaal said.

Board of Cosmetology: Executive Director Christopher Logsdon testified for the board, which is slated in the budget bill to be merged with the Barber Board.

The combined State Cosmetology and Barber Board is requesting \$4.5 million in FY 2018, up 12.9% from the \$4 million in estimated FY 2017 spending. For FY 2019, it is requesting \$5.3 million, or an increase of 19.9% from the FY 2018 amount. (Redbook)

Director Logsdon said in prepared testimony that the merger will present some operational challenges.

"The bill provides the newly formed board with approximately six months to plan and implement the merger," he said. "The merger does not fundamentally change enabling statutes for each Board, but instead combines the boards into a single Board and similarly combines the staff. Merger of staff, data, records, forms, and policy under a single authority will present some challenges to the newly created board, but the lead-time provided in the proposed legislation should support a positive unification of these entities."

Barber Board: Ed Highley, the board's executive director, testified that the board's budget request of \$433,800 for FY 2018 is sufficient to cover its expenses until the Jan. 21, 2018, merger with the Board of Cosmetology. (Redbook)

Director Highley also said he anticipated the board's revenue would exceed its spending, and that it has not raised its application or renewal fees since 2002.

Subscribers Note: Full testimony is available at the [committee's website](#) under March 7.

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,
Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.



Senate Activity for Tuesday, March 7, 2017

INTRODUCED

SB 89 ■ **RAILYARD LIGHTING** (Skindell, M., Yuko, K.) To establish standards for lighting in a rail yard and to establish penalties for railroad companies that are in violation of those standards. Am. 4907.01 and 4907.99 and to enact sections 4907.70 and 4907.71.

SB 90 ■ **RAILYARD WALKWAYS** (Skindell, M., Yuko, K.) To establish standards for walkways in a rail yard and to establish penalties for railroad companies that are in violation of those standards. Am. 4907.01 and 4907.99 and to enact sections 4907.70 and 4907.71.

SB 91 ■ **UNIVERSAL HEALTH CARE** (Skindell, M., Tavares, C.) To establish and operate the Ohio Health Care Plan to provide universal health care coverage to all Ohio residents. Am. section 109.02 and to enact sections 3920.01, 3920.02, 3920.03, 3920.04, 3920.05, 3920.06, 3920.07, 3920.08, 3920.09, 3920.10, 3920.11, 3920.12, 3920.13, 3920.14, 3920.15, 3920.21, 3920.22, 3920.23, 3920.24, 3920.25, 3920.26, 3920.27, 3920.28, 3920.31, 3920.32, and 3920.33.

SB 92 ■ **FRONT LICENSE PLATE** (Thomas, C.) To specify that failure to display a license plate on the front of a motor vehicle that is required to display a front license plate is a secondary traffic offense, to establish a maximum fine of \$25 for such an offense, and to name this act the "DuBose Was A Beacon Act." Am. 4503.21 and 4511.043.

SB 93 ■ **HEARING AID COVERAGE** (Brown, E.) To require health insurers to offer coverage for hearing aids. Am. 1739.05 and to enact sections 1751.76 and 3923.86.

SB 94 ■ **DEATH PENALTY** (Brown, E.) To abolish the death penalty and to declare an emergency. Am. 9.07, 120.03, 120.06, 120.14, 120.16, 120.18, 120.24, 120.26, 120.28, 120.33, 120.34, 149.43, 1901.183, 2152.13, 2152.67, 2301.20, 2307.60, 2317.02, 2701.07, 2743.51, 2901.02, 2909.24, 2929.02, 2929.13, 2929.14, 2929.20, 2929.61, 2930.03, 2930.06, 2930.16, 2930.19,

2937.222, 2941.021, 2941.14, 2941.148, 2941.401, 2941.43, 2941.51, 2945.06, 2945.10, 2945.13, 2945.21, 2945.25, 2945.33, 2945.38, 2949.02, 2949.03, 2953.02, 2953.07, 2953.08, 2953.09, 2953.10, 2953.21, 2953.23, 2953.71, 2953.72, 2953.73, 2953.81, 2967.03, 2967.05, 2967.12, 2967.13, 2967.19, 2967.193, 2967.26, 2967.28, 2971.03, 2971.07, 5120.113, 5120.53, 5120.61, 5139.04, 5149.101, and 5919.16 and to repeal sections 109.97, 120.35, 2725.19, 2929.021, 2929.022, 2929.023, 2929.024, 2929.03, 2929.04, 2929.05, 2929.06, 2945.20, 2947.08, 2949.21, 2949.22, 2949.221, 2949.222, 2949.24, 2949.25, 2949.26, 2949.27, 2949.28, 2949.29, 2949.31, and 2967.08.

PASSED

HJR 1 ■

STATE OF THE STATE (Arndt, S.) Authorizing a joint session of the Ohio General Assembly to meet at the Sandusky State Theatre in Sandusky, Ohio, for the purpose of receiving a message from the Governor and calling for a committee to wait upon the Governor in anticipation of his State of the State Address.

29-3 (Skindell, Tavares and Thomas)

Gongwer Coverage

SB 7 ■

PROTECTION ORDERS (Bacon, K., Manning, G.) To provide that service of a protection order or consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order if the person had actual notice of the order or agreement and the person recklessly violated its terms.

32-0 (Earlier REPORTED-AMENDED)

Gongwer Coverage

SB 18 ■

DAY DESIGNATION (Thomas, C.) To designate September 12 as "Jesse Owens Day."

32-0

Gongwer Coverage

SB 24 ■

LOAN ACT (Terhar, L.) To create the Ohio Consumer Installment Loan Act.

32-0

Gongwer Coverage

SB 27 ■ **MONTH DESIGNATION (Beagle, B.)** To designate the period beginning March 13 and ending April 15 as "Ohio Deaf History Month."
32-0
Gongwer Coverage

CALENDAR FOR COMING SESSION

HB 11 ■ **TAX LAWS (Scherer, G.)** To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law.
On calendar for Wednesday, March 8

SB 10 ■ **PRIMARY ELECTIONS (LaRose, F.)** To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election.
On calendar for Wednesday, March 8

SB 29 ■ **BANKING LAW (Coley, B., Oelslager, S.)** For the purpose of enacting a new banking law for the State of Ohio.
On calendar for Wednesday, March 8. Earlier REPORTED-AMENDED (No testimony)
Gongwer Coverage

REFERRED

Education:

SB 82 ■ **SCHOOL ABSENCES (Williams, S., Lehner, P.)** To require a public school to place a telephone call within one hour of the start of the school day to a parent whose child is absent without legitimate excuse.

SB 85 ■ **SCHOOL CHOICE (Huffman, M.)** To eliminate the Educational Choice Scholarship Pilot Program and Pilot Project Scholarship Program and to create the Opportunity Scholarship Program.

Energy & Natural Resources:

SB 69 ■ **MONTH DESIGNATION** (Gardner, R., Manning, G.) To designate June as "Ohio Goes Boating Month."

SB 75 ■ **PROPERTY LIENS** (Brown, E.) Regarding property liens for unpaid county or municipal water service charges.

Finance:

SJR 4 ■ **WATER SEWER BONDS** (Schiavoni, J.) Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to permit the issuance of general obligation bonds to fund sewer and water capital improvements.

SB 72 ■ **PREVAILING WAGE** (Huffman, M.) To allow political subdivisions, special districts, and state institutions of higher education to elect to apply the Prevailing Wage Law to public improvement projects.

Government Oversight & Reform:

SJR 3 ■ **CONGRESSIONAL DISTRICTS** (LaRose, F.) Proposing to amend the versions of Sections 1, 2, 3, 4, 6, 8, and 9 of Article XI that are scheduled to take effect January 1, 2021; to amend, for the purpose of adopting new section numbers as indicated in parentheses, the versions of Sections 1(2), 2(3), 3(5), 4(6), 5(7), 6(8), 7(9), 8(10), 9(11), and 10(12) of Article XI that are scheduled to take effect January 1, 2021; and to enact new Sections 1 and 4 of Article XI of the Constitution of the State of Ohio to revise the redistricting process for congressional districts.

HB 34 ■ **PUBLIC NOTICES** (Hambley, S., Ryan, S.) To authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail.

SB 79 ■ **AGENCY REVIEWS** (Jordan, K.) To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to

require that Auditor of State performance audits be scheduled to coincide with the periodic review.

SB 83 ■ **LAW ENFORCEMENT DEATHS (Williams, S.)** To establish the duties and authority of the Attorney General to investigate and prosecute cases relating to the death of a person caused by a peace officer.

SB 84 ■ **RACIAL PROFILING (Williams, S., Tavares, C.)** To require the Ohio Peace Officer Training Commission to develop a course to train peace officers in performing their duties without biased policing or status-based profiling; to prohibit law enforcement officers and officials from engaging in biased policing or status-based profiling; to require each law enforcement agency to develop and provide annually to its officers an educational training program on how to perform law enforcement duties without engaging in biased policing or status-based profiling; to create the racial and identity profiling advisory board; to provide a civil cause of action for an individual who is a victim of biased policing or status-based profiling; and to permit the Attorney General to seek injunctive relief against a law enforcement agency served by an officer who commits biased policing or status-based profiling.

SB 88 ■ **FISCAL EMERGENCIES (Terhar, L.)** To modify the composition and powers of the financial planning and supervision commission of a political subdivision that is in a state of fiscal emergency and to clarify the duties of that political subdivision.

Health, Human Services & Medicaid:

SB 71 ■ **AGENCY CONTRACTS (Manning, G.)** To allow a board of alcohol, drug addiction, and mental health services to authorize its executive director to execute contracts valued at \$50,000 or less without the board's prior approval.

SB 80 ■ **EBT CARDS (Huffman, M.)** To establish requirements for electronic benefit transfer cards issued under the Supplemental Nutrition Assistance Program.

Insurance & Financial Institutions:

SB 87 ■ **DENTAL SERVICES** (Hackett, B., Huffman, M.) To prohibit a health insurer from establishing a fee schedule for dental providers for services that are not covered by any contract or participating provider agreement between the health insurer and the dental provider.

Judiciary:

HB 1 ■ **DATING PROTECTION ORDERS** (Sykes, E., Manning, N.) To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order.
Gongwer Coverage

SB 70 ■ **CHILD SUPPORT** (Coley, B.) To amend the child support laws.

SB 76 ■ **TRESPASSING NOTICES** (Coley, B.) To amend the law governing criminal trespass to specify that placing purple paint marks on trees or posts constitutes posting notice in a manner reasonably calculated to come to the attention of potential intruders.

SB 81 ■ **FIREARMS** (Terhar, L.) To waive the concealed carry license fee for active members of the armed forces and retired and honorably discharged veterans, to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience, to permit a licensee to renew a concealed handgun license at any time before the expiration of the license, and to require the Attorney General to monitor the number of license fees waived and cap the total amount allowed to be waived at \$1.5 million.

Local Government, Public Safety & Veterans Affairs:

HB 9 ■ **TRAFFIC SIGNALS** (Koehler, K.) To specify that the alternative protocol for proceeding into an intersection with malfunctioning traffic lights due to a failure of a vehicle detector applies only to bicycles.

SB 73 ■ **DAY DESIGNATION** (Brown, E.) To designate October 7 as "Moses Fleetwood Walker Day."

SB 86 ■ **DAY DESIGNATION** (Hackett, B.) To designate the twenty-fifth day of May as "Ohio National Missing Children's Day."

Public Utilities:

SB 74 ■ **TRAIN CREWS** (Yuko, K., Skindell, M.) To require the crews of freight trains to consist of at least two individuals.

Transportation, Commerce & Workforce:

HB 16 ■ **ROAD NAMING** (Cera, J.) To designate a portion of State Route 43 in Jefferson County as the "Army Corporal Carl H. hb Memorial Highway."

HB 22 ■ **ROAD NAMING** (Hambley, S.) To designate a portion of State Route 261 in Medina and Summit Counties as the "Sergeant James F. Allen III Memorial Highway."

SB 77 ■ **LICENSE PLATE** (Coley, B.) To create the "KylerStrong Foundation" license plate.

SB 78 ■ **ROAD NAMING** (Hoagland, F.) To designate a portion of State Route 7 in Jefferson County as the "U.S. Air Force Staff Sergeant Yvonne Marie Fair Memorial Highway."

COMMITTEE HEARINGS **Insurance & Financial Institutions**

SB 29 **BANKING LAW (Coley, B., Oelslager, S.)** For the purpose of enacting a new banking law for the State of Ohio. (**REPORTED-AMENDED (No testimony)**; 4th Hearing-Possible vote)

Sen. Beagle offered an amendment that he said makes a series of "benign" changes to the bill.

They include a clarification of the qualification requirements for the deputy superintendents of credit unions and financial institutions and a reinstatement of bank examination assessment fees. He said the amendment also protects sensitive client and institutional information by "strengthening" the state's public records law.

The amendment also sets January 1, 2018 as the bill's effective date.

Local Government, Public Safety & Veterans Affairs

SB 37 **POLICE CHIEF TRAINING (Hite, C.)** To require the Ohio Peace Officer Training Commission to develop and conduct a chief of police training course for newly appointed village, city, and township chiefs of police. (**REPORTED (No testimony)**; 3rd Hearing-All testimony-Possible amendments & vote)

Sen. Cliff Hite (R-Findlay) made a brief appearance to clarify that the training wouldn't be required for officials who are already serving as chiefs of police. He said out-of-state chiefs who are coming to the state would be able to complete a more limited Ohio-specific training program.

SB 43 **BUILDING CODES (Bacon, K.)** To enable limited home rule townships to adopt building codes regardless of any similar codes adopted by the county in which the township resides. (**CONTINUED**; 1st Hearing-Sponsor)

Sen. Kevin Bacon (R-Minerva Park) said his proposal would let residents and businesses in certain limited home rule townships obtain building permits at the township level, which would be more convenient than seeking permits from county departments.

He said the change was requested by Blendon Township, which would like to adopt its own codes.

He said that township has a commercial building department because Franklin County doesn't have one, but is unable to open a residential building department because the county does have a residential operation.

Having both departments, he said, would make the process more efficient because Ohioans would only have to visit one jurisdiction to address all their permit needs. The change, he added, would allow builders to work with a single inspector on all projects.

Sen. Bacon told **Sen. Bob Hackett** (R-London) that the bill would not address any local zoning restrictions.

Sen. Vernon Sykes (D-Akron) questioned whether counties and townships could come to different decisions on permit applications. Sen. Bacon said the codes would be similar, but acknowledged that different people could have different views on code interpretation.

The sponsor also told Sen. Sykes that there is nothing in the bill that lets counties object to qualifying townships creating their own departments.

Responding to **Sen. Joe Uecker** (R-Loveland), Sen. Bacon said the proposed structure is similar to the process that many cities already follow, in which the county is not involved.

Sen. Frank Hoagland (R-Adena) said he has experience in residential and commercial construction, and raised concerns that the shift could "muddy the waters" in terms what governmental entity is responsible for permitting. "This could become an extreme nightmare if we make it more convoluted than it already is," he said.

Sen. Bacon said it is his goal that the bill makes the process go more smoothly, not create confusion. "We're changing nothing about the process," he added, noting that the bill only creates new township authority.

Sen. Sykes said he wanted to avoid potential conflicts between counties and townships, and asked why the bill declares that township codes will prevail.

Sen. Bacon said that issue would be reviewed.

SB 48 **HEARING IMPAIRMENTS (Williams, S.)** To create a special license plate for hearing-impaired individuals and to require the Registrar to include an identifying symbol on a driver's license, commercial driver's license, or state-issued identification card of a hearing-impaired individual, if requested.

(CONTINUED; 1st Hearing-Sponsor)

Sen. Sandra Williams (D-Cleveland) said the bill would make it easier for law enforcement officers to learn that a person is hearing impaired, eliminating the problems that could occur if the deaf fail to respond to officer directions.

She said the bill would allow the hearing impaired to request a special license plate designation, or seek an identifying symbol on their state-issued identification.

Responding to Sen. Uecker, Sen. Williams recounted the situation in which a hearing impaired man was arrested and booked for failing to respond to officer directions after a traffic stop. The case, she said, was eventually thrown out.

She told **Sen. Steve Wilson** (R-Maineville) that individuals would have to request the special license plate if they wanted it.

The sponsor also noted that she had received a request for the bill to be amended to have the BMV add a hearing impaired designation to license searches to further inform law enforcement officers.

SB 68 **USED TIRES (LaRose, F., Hite, C.)** To prohibit the installation of unsafe used tires on certain motor vehicles. (CONTINUED; 1st Hearing-Sponsor)

Sen. Frank LaRose (R-Hudson) said the bill would prohibit businesses from installing unsafe tires on vehicles used on Ohio roadways. He said current law already makes it illegal to drive on unsafe tires, but there are no prohibitions for companies that install them.

He said it doesn't make sense that it is legal for retailers to install tires that aren't legal for street use.

Sen. LaRose said many Ohioans make use of used tires to reduce costs, but said the bill makes sure people receive tires that meet minimum standards when they seek professional installation services.

He noted that the bill doesn't impact Ohioans' ability to put any tires they wish on their own vehicle. Further, the bill doesn't impact the installation of tires used for off-road purposes.

Sen. LaRose told Sen. Lou Terhar (R-Cincinnati) that current law requires a minimum tread depth and prohibits major bumps, bulges and other potential safety issues. "This is based on that same basic concept," he said.

SB 7 **PROTECTION ORDERS (Bacon, K., Manning, G.)** To provide that service of a protection order or consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order if the person had actual notice of the order or agreement and the person recklessly violated its terms. **(REPORTED-AMENDED; 3rd Hearing-All testimony-Possible amendments & vote)**

Anne Murray, assistant Columbus city attorney, testified in support.

She said current law that requires actual service of protection orders is problematic because many abusers take steps to avoid service. She noted that there are many cases in which abusers are well aware that orders have been issued, but continue to have contact with victims because they have not yet been served.

"Without the proposed amendments contained in Senate Bill 7, we are leaving a set of victims vulnerable without protection," she said. "Under the law as currently written, the protection order is unenforceable until a sheriff's deputy can serve a copy of the order on the offender. In the meantime, the offender is free to continue to contact the victim without violating the order."

The bill, she said, would allow the state to prosecute offenders for violating orders if they have knowledge, thereby helping to protect victims.

Sen. Terhar asked whether the witness sees any constitutional issues in prosecuting a person who hasn't been physically served with an order.

Ms. Murray said she didn't see that as a problem because prosecutors would still have to prove beyond a reasonable doubt that the abuser had knowledge of the order.

She added that the change would also increase protections for victims at one of the most dangerous times: when an offender first learns that an order has been issued.

The witness told Sen. Sykes that the finder of fact would be the person who determines if an abuser was aware that an order had been issued.

The amendment, offered by Sen. Wilson, made technical changes.

Transportation, Commerce & Workforce

HB 26 **TRANSPORTATION BUDGET (McColley, R.)** To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs. **(CONTINUED (Referred earlier; See separate story); 2nd Hearing-All testimony-Pending referral)**

Subscriber's note: Full testimony is available on the [committee's website](#) under March 7. **Judiciary**

HB 4 **COCAINE OFFENSES (Cupp, R., Rogers, J.)** To provide that in determining the amount of cocaine for trafficking and possession offenses, it

also includes a compound, mixture, preparation, or substance containing cocaine, and to declare an emergency. (**CONTINUED**; 2nd Hearing-Proponent)

While the need for the legislation was addressed in an Ohio Supreme Court decision issued Monday (See Gongwer Ohio Report, March 6, 2017), John Murphy, executive director of the Ohio Prosecuting Attorneys Association, said his group would still support moving forward with the measure.

"Apparently we no longer have a problem," he said.

Chairman Sen. Kevin Bacon (R-Minerva Park) said it is the intention of the bill's sponsor, Rep. Robert Cupp (R-Lima), to move forward with the bill.

Dublin Chief of Police Heinz von Eckartsberg told the panel that the Ohio Association of Chiefs of Police would also support the bill becoming law despite the high court's decision. Attorney General Mike DeWine also offered written testimony in support of the measure.

SB 1 **DRUG OFFENSES (LaRose, F.)** To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamfetamine to the list of schedule II controlled substances.

(**CONTINUED**; 4th Hearing-All testimony-Possible amendments & vote)

Dennis Cauchon, editor of *The Clemency Report*, urged the panel to make several changes to the legislation, including the addition of a mens rea requirement.

"The specification that a defendant acted 'knowingly' or 'with intent' is crucial for establishing culpability and ensuring rational outcomes and fairness. This is especially so when judges, who know the case best, are stripped of discretion through mandatory minimums. Ohio prosecutors should not have unrestricted power to hand out long prison sentences to defendants who did not know and could not have known they were selling fentanyl," he said. He also called for members of the panel to demand an estimate on the impact on the prison population from the Legislative Service Commission and for the weight of the drug to be taken into account for sentencing purposes.

"All drug sentences should be based on the actual drug. For fentanyl, justice and overdose prevention require it," he said. "The cost of a lab test is a small price to pay when prison sentences cost \$25,000 a year, mass imprisonment imposes enormous destruction on children, families and communities and thousands of Ohioans are dying overdose deaths from poorly diluted fentanyl."

SB 32 **TRIAL TIMELINES (Eklund, J.)** To provide a prosecutor an additional fourteen days to commence a trial after a person charged with a felony has been discharged because the person has not been brought to trial within the required amount of time and to authorize the court to release the person from detention in connection with those charges pending trial. (**CONTINUED-AMENDED**; 3rd Hearing-All testimony-Possible amendments & vote)

The bill was amended to fix a drafting error, according to Sen. Eklund.

Kari Bloom, legislative liaison at the Office of the Ohio Public Defender, told the panel that the measure is unnecessary.

"There are criminal law procedures which allow prosecutors, judges, and defense attorneys to extend the speedy trial timeline," she said. "Ohio's Criminal Rules allow continuances to be granted for reasonable amounts of time for various different procedural reasons. Defendants, through their attorneys, can waive time during the continuance and usually do. That means that the delay caused by the continuance tolls the speedy trial day count, at least until the next court date."

She also said the legislation could have unintended negative consequences.

"This legislation seems to encourage judges to deny bail, or set it so high that it is constructively denied, and hold people until the very last moment, without encouraging the State to develop their case in a timely manner. People who are held pending their trial phase are likely in on serious cases, with victims who deserve resolution. To extend the case is to defeat the longstanding principals of speedy trial which serve everyone," she said.

Sponsoring Sen. John Eklund (R-Chardon) said the issue comes up dozens of times a year.

"It's not like it doesn't happen," he said.

But Ms. Bloom said those dozens of instances are out of about 400,000 cases each year.

SB 33

LAW ENFORCEMENT DATA (Eklund, J.) To allow disclosure of information from the law enforcement automated data system (LEADS) to a defendant in a traffic or criminal case. (**CONTINUED (No testimony)**; 3rd Hearing-All testimony-Possible vote)

SB 40

AGGRAVATED MURDER (Eklund, J., Williams, S.) To provide that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense. (**CONTINUED**; 3rd Hearing-All testimony)

OPAA's Mr. Murphy told members of the panel that state law already protects defendants suffering from mental illness in several ways, including through incompetency to stand trial and a not guilty plea by reasons of insanity.

He also lamented that the legislation would shift the burden to prosecutors to prove that a defendant was not suffering from severe mental illness at the time a crime was committed and raised the prospect that it could open the floodgates to death row inmates seeking to have their sentences overturned.

"We will not be surprised if every single inmate now on death row files a post-conviction petition to be evaluated for mental illness so they can take advantage of this process to get off death row. Why wouldn't they? This bill slants everything in their favor. All they need to do is get a diagnosis of one of these conditions, even the most minimal level, and that will shift the burden to the state to provide that they did not have that condition or that condition did not affect their conduct," he said.

But Dr. Megan Testa, on behalf of the Ohio Psychiatric Physicians Association, urged the panel to support the legislation. She addressed the belief that those with serious mental illness who forgo taking their medication should still be subject to the death penalty.

"It has not been my experience as a psychiatrist to see people with mental illness find effective, tolerable treatments that resolve their symptoms, and then volitionally stop those medications. I do not see this, simply put, because nobody wants to be seriously mentally ill," she said.

"Given the realities of the mental health treatment system that we have in this country, and the limitations of available treatments, individuals who are not taking medications at the time they commit crimes are not undeserving of consideration for exclusion from the death penalty."

SB 66 **CRIMINAL LAWS (Eklund, J., Tavares, C.)** To modify criminal sentencing and corrections law by including rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation.
(CONTINUED; 1st Hearing-Sponsor)

Sponsoring Sen. Eklund told the panel that the aim of the legislation is to "rehabilitate those that can be rehabilitated." (See [Gongwer Ohio Report, February 22, 2017](#))

The measure is designed to provide judges with more discretion in several areas, including in imposing community control sanctions. Under the bill, judges would no longer be required to impose community control sanctions of at least one year and would be provided with the discretion to terminate sanctions prior to the end of one year's duration.

Sponsoring **Sen. Charleta B. Tavares** (D-Columbus) said the legislation has the potential to reduce the state's overcrowded prison system.

"While all the provisions in SB 66 are important, perhaps the most important provision to Senator Eklund and I is adding rehabilitation as an overriding purpose in felony sentencing because it shows our commitment to bringing Ohio's criminal justice system into the 21st century," she said.

"We cannot simply continue to place people behind bars in an effort to be tough on crime, but rather we must make an effort to help change the behaviors of people who stay in our intuitions. We must be as dedicated to rehabilitation as we are to punishment so that we allowing people start again with the ability to become valuable and contributing citizens to the state of Ohio."

Health, Human Services & Medicaid

SB 16 **CULTURAL COMPETENCY (Tavares, C.)** To require certain health care professionals to complete instruction in cultural competency. (CONTINUED; 1st Hearing-Sponsor)

Sponsor **Sen. Charleta B. Tavares** (D-Columbus) said the bill would require health care professionals to complete cultural competency training.

"Cultural Competency has become recognized as an integral component of healthcare because of its relevance in treating patients and eliminating health disparities among racial, ethnic and cultural communities," she said. "A significant aspect of communication between the provider and the patient includes conversations and the respect that is demonstrated for their culture, language and beliefs. It is critical that patients and healthcare providers are able to effectively communicate with one another in order for the best care to be provided."

Sen. Tavares said socioeconomic status, income and education affect cultural norms and behavior, causing the social determinants of health.

"In order to achieve health equity we must eliminate barriers that prevent individuals from receiving quality care," she said. "Requiring cultural competency training is an opportunity to assist healthcare providers in gaining the knowledge needed to successfully serve patients from all backgrounds and eliminate health disparities among all Ohioans."

SB 56 **STEP THERAPY (Lehner, P., Tavares, C.)** To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid. (CONTINUED (See separated story); 2nd Hearing-Proponent)

SB 57 **AWARENESS DAY (Kunze, S.)** To designate the seventeenth day of May as "Diffuse Intrinsic Pontine Glioma Awareness Day." (REPORTED; 2nd Hearing-All testimony-Possible vote)

The committee voted unanimously to report the bill.

Several doctors and health advocates submitted written testimony in support of the bill.

Jonathan Finlay, the Director of Neuro-oncology at Nationwide Children's Hospital in Columbus, said the disease is one with a "dismal prognosis that has remained unchanged for over 50 years."

"Our experts at Nationwide Children's Hospital have been part of the national and international efforts that have been developed in order to help find a cure for this disease. We are hopeful that our efforts will yield new insights into DIPG molecular pathogenesis, and therefore open new avenues for the investigation of targeted therapies," he said. "We believe that we cannot fulfill our goal without the community's and the legislators' support"

Jeff Stephens, director of government relations in Ohio for the American Cancer Society Cancer Action Network, said more than 15,000 children will be diagnosed with cancer this year, and nearly a quarter won't survive.

"We must ensure that researchers have the essential tools to fight childhood cancer and make sure children with cancer not only survive, but thrive," he said.

Governor's Appointments: The committee recommended full Senate approval of the governor's appointments of Andrew Bowers to the Counselor, Social Worker and Marriage and Family Therapist Board, Marcia Emerson and Susan Pohler to the Ohio Optical

Dispensers Board, Renu Kotwal to the Chemical Dependency Professionals Board and Anissa Siefert to the Occupational Therapy, Physical Therapy and Athletic Trainers Board.
Subscribers Note: Full testimony is available on the [committee's website](#) under March 7.

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,
Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.

From: report@hannah.com
Sent: Tuesday, March 7, 2017 9:29 PM
To: DL_Hannah
Subject: Hannah News Stories for Tuesday, March 7, 2017

Tuesday, March 7, 2017

IN TODAY'S HANNAH REPORT:

Please click here to read the entire Hannah Report.

Today's Stories

- [Sutton Enters Governor's Race](#)
- [Senate Clears Four Bills; Obhof Voices Caution on Redistricting Proposal](#)
- [Lottery for 'State of State' Tickets Now Open](#)
- [New Federal Health Care Plan Quickly Draws Criticism](#)
- [Lawmakers Continue Push to End Death Penalty for Seriously Mentally Ill](#)
- [Local Governments Push Back on Centralized Tax Collection Proposal](#)
- [Coalition Proposes Alternative for TPPT Phase Out](#)
- [Opinions: Suspected Judicial Misconduct; False Advertising by Attorneys](#)
- [State Government Roundup: Rosenberger; ODNR](#)
- [Ohio Digest: Death Penalty](#)
- [Legislative Schedule Change](#)

House Committee Reports

- [Criminal Justice](#)
- [Economic Development, Commerce and Labor](#)
- [Education and Career Readiness](#)
- [Federalism and Interstate Relations](#)
- [Finance Health and Human Services Subcommittee](#)
- [Finance Higher Education Subcommittee](#)
- [Finance Primary and Secondary Education Subcommittee](#)
- [Finance State Government and Agency Review Subcommittee](#)
- [Financial Institutions, Housing and Urban Development](#)
- [Rules and Reference](#)
- [State and Local Government](#)
- [Ways and Means](#)

Senate Committee Reports

- [Health, Human Services and Medicaid](#)
- [Insurance and Financial Institutions](#)
- [Judiciary](#)
- [Local Government, Public Safety and Veterans Affairs](#)

- Rules and Reference Committee
- Transportation, Commerce and Workforce

© 2017 Hannah News Service, Inc., Columbus, Ohio. Unauthorized redistribution or reproduction prohibited.

Hannah News Service, Inc. | 21 W. Broad Street, Suite 1000, Columbus, Ohio 43215 |
614.227.5820 | www.hannah.com

From: Meghan McCann
Sent: Wednesday, March 8, 2017 10:06 AM
To: Rep76
Subject: This Friday: Labor and Sex Trafficking: State Update



NATIONAL CONFERENCE *of* STATE LEGISLATURES

Upcoming Webinar
Labor and Sex Trafficking: State Update
Friday, March 10 at 2 p.m. ET / 11 a.m. PT.

NCSL's Criminal Justice and Children and Families Programs will be hosting a human trafficking webinar, Labor and Sex Trafficking: State Update, this Friday, March 10, at 2 p.m. ET/11 a.m. PT.

The webinar will look at the legal and legislative perspectives behind innovative policies that address both labor and sex trafficking. You will hear from Colorado State Representative Paul Lundeen, Kirsta Leebug Melton from the Texas Attorney General's Office and Pat Medige from Colorado Legal Services who will discuss their work in combatting labor and sex trafficking.

Make sure you register for this free webinar [HERE](#) and we look forward to talking with you on Friday. If you have any questions, contact [Meghan McCann](#) or [Rich Williams](#).

Register Now



© National Conference of State Legislatures

Denver: 303-364-7700

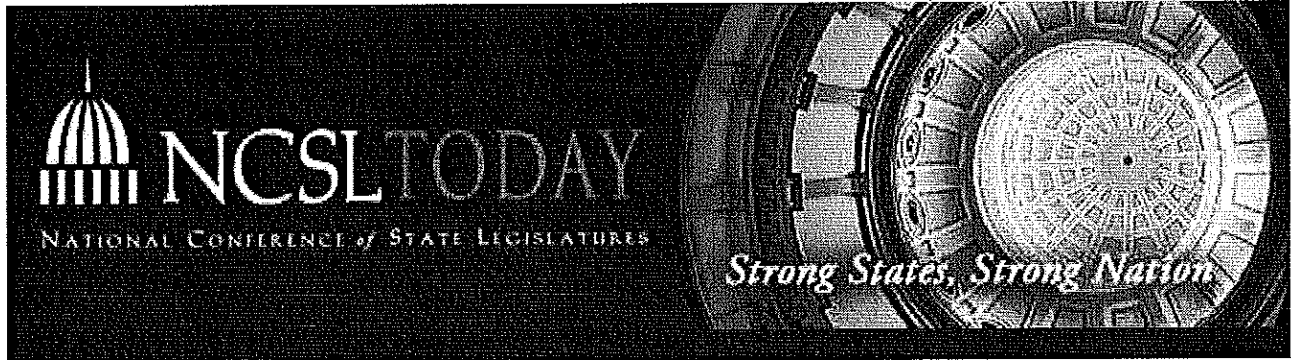
Washington: 202-624-5400

[Unsubscribe](#) from these messages.

7700 East First Place, Denver, CO 80230

From: NCSL TODAY
Sent: Wednesday, March 8, 2017 10:56 AM
To: Price, Ciara
Subject: How states compare on a critical jobs measure

NCSL Today | Manage your subscription



TOP NEWS March 8, 2017

How states compare on a critical jobs measure

Governing

Economists say the employment-to-population ratio for prime-working-age adults can be more reliable than the unemployment rate.

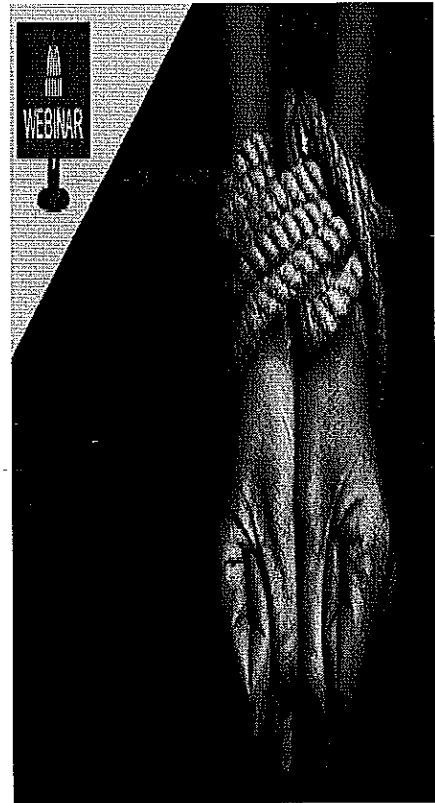
Texas 'bathroom bill' advances after 13 hours of testimony

Associated Press

A North Carolina-style "bathroom bill" has cleared a first vote in Texas after 13 consecutive hours of public comment dominated by transgender-rights supporters who oppose the measure.

NCSL's "bathroom bill" legislative tracking.

Oklahoma bill would give civil immunity for destroying drones over private property



FEATURED

Tulsa World

A bill headed to the Senate floor would make property owners who destroy drones flying over their land immune from civil action, if there is a reasonable expectation of privacy.

Current unmanned aircraft state law landscape..

University of California proposes 20 percent cap on out-of-state students

The Los Angeles Times

Many California students have expressed dismay in recent years about how hard it is to get into a chosen University of California campus — even with stellar grades and extracurricular activities— while so many spots go to those from other countries and out of state.

Arkansas governor seeks new restrictions on Medicaid plan

Arkansas Online

Gov. Asa Hutchinson wants to add a work requirement to Arkansas' hybrid Medicaid expansion and to lower its eligibility cap, which would add new restrictions to the program even as the future of the federal health overhaul remains unclear.

Washington state House votes to ban holding phones while driving

Associated Press

A measure to ban holding a phone while driving passed in the House a day after a similar measure passed in the Senate. **NCSL data cited.**
NCSL resources on distracted driving.

Friday webinar: Labor and sex trafficking

Legislators are working with their colleagues in state government as well as other stakeholders to combat labor and sex trafficking while providing services to survivors. This webinar will highlight the legal and legislative perspectives behind innovative state policies.



New homepage devoted to autonomous vehicles

New report on school leader tracking systems





Ethics in the news



Supreme Court won't decide transgender bathroom case

The U.S. Supreme Court will not decide—at least not this term—whether transgender students have a right to use the bathroom consistent with their gender identity because of changes in

position on this issue from the
Obama to Trump administrations.



© National Conference of State Legislatures
Denver: 303-364-7700
Washington: 202-624-5400

[Click here to unsubscribe](#)

7700 East First Place, Denver, CO 80230

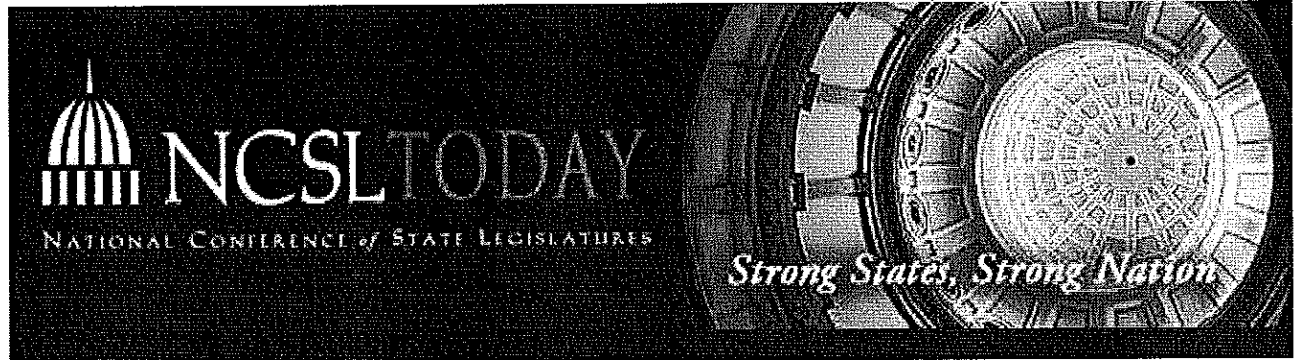
From: NCSL TODAY

Sent: Thursday, March 9, 2017 10:49 AM

To: Price, Ciara

Subject: States aren't waiting for Trump to get funds for infrastructure

NCSL Today | [Manage your subscription](#)



TOP NEWS March 9, 2017

States aren't waiting for Trump to get funds for infrastructure

Bloomberg

Republican leaders from at least six states are pushing to raise gasoline taxes or other fees to pay for upgrading roads and bridges, saying they can't count on President Donald Trump's \$1 trillion infrastructure plan to deliver what they need. **NCSL data cited.**

NCSL resources on fuel tax legislation. | NCSL Blog post on fuel taxes to fund transportation.

Voter ID proposal heads for Arkansas ballot

The Hill

Arkansas voters will decide whether to amend the state constitution to require identification at polling places after legislators advanced a proposal on a mostly party-line vote. NCSL resources on voter ID laws.

Alabama Senate votes to do away with judge-signed marriage licenses

Alabama News Network

The bill comes as a few probate judges in the state continue to refuse to issue marriage licenses to anyone so they do not have to give them to gay couples..

What Iowa's 4,265 untested rape kits mean for victims

The Des Moines Register

Iowa has 4,265 untested rape evidence kits held in storage



by the state's law enforcement agencies, including 36 that date back to the 1990s, a survey released Tuesday by the Attorney General's Crime Victim Assistance Division shows. [NCSL Blog post on untested sexual assault evidence.](#)

Georgia's high court sets precedent in dog-bite cases

Atlanta Journal-Constitution

In what could be a far-reaching decision for dog-bite cases, the Georgia Supreme Court on Monday said a jury must decide whether a woman viciously attacked by a pit bull named "Rocks" can collect damages from her neighbors.

More states debate requiring seat belts on school buses

Stateline

In at least 20 states, legislators have introduced bills that would require seat belts on school buses. That's far more than usual. [NCSL data cited.](#)

[NCSL resources on school bus safety.](#)

NEW WORLD

Wisconsin legislature wins NCSL's Harrington Award

The Wisconsin State Legislature is recognized for the many publications, websites, video productions and electronic communication channels that assist the public in understanding the Legislature and the legislative process. The Legislature is also recognized for their civics education programming.

NEW@NCSL

Friday webinar: Labor and sex trafficking

New report on school leader tracking systems

Ethics in the news

BLOG

Congressional Review Act: a brief overview

The Congressional Review Act had only been used once before the 115th Congress. But with the inauguration of President Donald

Trump, and a Republican majority
in Congress, using the CRA is
proving to be much more
successful than in years past.



© National Conference of State Legislatures
Denver: 303-364-7700
Washington: 202-624-5400

[Click here to unsubscribe](#)

7700 East First Place, Denver, CO 80230

From: Rick Stockburger
Sent: Thursday, March 9, 2017 4:42 PM
To: Rick Stockburger
Subject: ALIGN

Friends,

Don't miss ALIGN, the opportunity you have been waiting for to learn from companies, education & economic development partners that together can fuel the talent pipeline we all desperately need to remain competitive.

This is an opportunity to meet companies, school administrator's and economic development partners in Summit County that are working together to create a world-class workforce system. This event will be company led, will highlight up to date labor market information and will provide tangible opportunities for you to take strategic action.

Hosted by David King, CEO and Jenny Stupica, HR Director of SSP Fittings, this event is appropriate for key decision makers in northeast Ohio

Please register here:

<https://align2017.eventbrite.com?discount=ALIGN17>

I've already entered a 50% of discount code for you to attend at half the price of other attendee's and have made that price available to all elected officials at all levels of government as well as employees and non-profit partners because we greatly value your input!

Rick Stockburger
Manufacturing Engagement Manager

CONXUSNEO
connecting work to progress

1040 E. Tallmadge Avenue / Third Floor / Akron, OH 44310
p. 330.639.2940 / c. 330.221.3144 / f. 330.630.9971
conxusneo.jobs
rstockburger@conxusneo.jobs

From: Rep94

Sent: Friday, March 10, 2017 3:13 PM

To: House All

Subject: Ways Ohio Can Help Local Governments While Revamping Infrastructure

HB 121 recently introduced addresses this very issue. Better water quality, longer lasting lines, less water loss, at a competitive price. Let's let local engineers have the option of using their skill set to make these decisions and move into the 21st century.

<https://www.forbes.com/sites/patrickgleason/2017/03/10/open-competition/#454a8f287ba6>

State Open Competition Laws Have Potential To Free Up Billions For Infrastructure Needs

By: Patrick Gleason- March 10, 2017

In addition to repealing and replacing Obamacare, along with once-in-a-generation federal tax reform, rebuilding and expanding America's infrastructure is another big ticket item on the Trump administration's to-do list.

While aging roads and bridges get more attention from lawmakers and the media, the need to replace and overhaul America's aging water and wastewater infrastructure is just as pressing as the nation's transportation needs.

The first step for any infrastructure proposal is to repeal existing laws and regulations that artificially inflate the cost of taxpayer-funded construction projects and reduce the amount of resources available for infrastructure improvement and expansion. As was previously

called for in this space, President Trump and congressional Republicans should repeal Davis-Bacon prevailing wage requirements that inflate labor costs for federally-backed road projects by an average of more than 20%, just as governors and state legislators have been eliminating state prevailing wage laws that similarly drive up the cost of state and local transportation projects.

As with transportation infrastructure, there are laws on the books whose repeal will reduce the cost of water infrastructure projects. Currently, many localities across the country impose rules restricting what piping materials can be used for water and wastewater infrastructure. For example, 40% of the nation's water utilities prohibit the use of polymer-based pipes. These restrictions significantly drive up costs for taxpayers.

America's aging water infrastructure loses approximately 17% of available potable water due to leakage and there are an estimated 240,000 water main breaks every year. The American Water Works Association estimates that it will take \$1 trillion over the next 25 years to replace America's aging water systems. The significant cost to taxpayers, however, can be reduced by lifting existing restrictions on piping materials.

Arcane closed competition pipe procurement rules in many localities across the country represent classic protectionism. They are another example of the government setting policy that picks industry winners and losers. In this case, the big losers from local closed competition statutes and codes for water infrastructure are taxpayers, who are forced to pay for the heightened costs of lower-performing piping materials. There are plenty of examples from across the country of how moving from a closed to an open competition process drives down taxpayers costs.

Take Hot Springs, Arkansas, a town with a closed competition policy for water infrastructure, compared to Fayetteville, Arkansas. Fayetteville, unlike Hot Springs, allows for open competition. As a result, the average per mile cost of water infrastructure piping in open competition Fayetteville is \$278,625 less on average than closed competition Hot Springs.

Charlotte, the largest city in North Carolina, has an open competition process for water infrastructure projects. Meanwhile in Raleigh, the state's second largest city, there is a closed competition system. Not surprisingly, per mile pipe costs are \$155,902 more expensive in closed competition Raleigh than in open competition Charlotte.

In Michigan, Port Huron & Grand Rapids have closed competition systems, whereas Monroe & Livonia have open competition systems. As a result, per mile pipe costs are \$114,154 higher on average in closed competition Port Huron & Grand Rapids, compared to open competition Livonia & Monroe. To Michigan's south, Ohio's Franklin County has a closed competition system, while Delaware County has an open competition system. Per mile pipe costs are \$97,680 higher on average in closed competition Franklin County, compared to open competition Delaware County.

The good news is state lawmakers are starting to address this issue. Arkansas Senate President Jim Hendren has introduced pro-taxpayer legislation in his state, Senate Bill 332, that would open competition for water infrastructure projects by permitting the use of all piping materials that meet performance specifications. Other states - such as South Carolina, Ohio, and Michigan - have also introduced open competition legislation to preempt protectionist local restrictions on piping materials. These are smart, free market reforms that will improve the quality of new water and wastewater infrastructure projects, while reducing taxpayer costs.

Local governments can save more than 25% on pipe costs by permitting open competition, according to a study by BBC Research. That study also found the per mile replacement cost of drinking water pipes to be 26% less in open competition systems, compared to their closed competition counterparts. Savings average 39% per mile for storm water piping.

A total replacement of U.S. water infrastructure would cost \$1.32 trillion, according to the National Taxpayers Union. It is estimated that transitioning to an open competition process for all projects would reduce that \$1.32 trillion price tag by \$371 billion, a 28% cost reduction.

Enactment of the aforementioned open competition legislation pending in Ohio, Michigan, Arkansas, and South Carolina will go a long way toward helping the nation address its significant water infrastructure needs while mitigating taxpayer costs. Other states would do well to follow their lead. Likewise, Congress can prevent federal taxpayer dollars from being wasted by passing legislation allowing all materials that meet performance specifications to compete for water infrastructure projects backed by federal dollars.

Patrick Gleason is director of state affairs at Americans for Tax Reform, and a senior fellow at the Beacon Center of Tennessee. Follow Patrick on Twitter: @PatrickMGleason

From: Max Behlke
Sent: Monday, March 13, 2017 2:17 PM
To: Rep76
Subject: Capitol to Capitol: Health Care Freezes Washington



Capitol to Capitol

NATIONAL CONFERENCE of STATE LEGISLATURES



March 13, 2017

Health Care Freezes Washington

Late tonight, snow will begin falling inside the Capital Beltway, and by the time Winter Storm Stella leaves the Washington region on Tuesday, significant snowfall will have paralyzed a city already frozen by health care.

Last week, two House committees advanced the American Health Care Act, legislation to repeal and replace the Affordable Care Act (ACA) through the process known as budget reconciliation. Republican leaders chose to repeal the health care law through budget reconciliation, which was created by the Congressional Budget and Impoundment Act of 1974, because reconciliation measures only require a simple majority vote in the Senate and are not subject to filibuster. Reconciliation is a two-step process in which reconciliation instructions are included in a budget resolution that direct appropriate committees to develop legislation that achieve desired budgetary outcomes, which are then compiled by each chamber's budget committees before being considered by the entire chamber.

The budget resolution for health care reform, which passed by the Senate on Jan. 12 and by the House on Jan. 13, directed the Finance Committee and the Health, Education, Labor, and Pensions Committee in the Senate, and the Ways and Means Committee and the Energy and Commerce Committee in the House, to each submit to their respective budget committee's legislative recommendations to repeal and replace the ACA. Last week, the two House committees marked up their portions of the reconciliation measure, passed those recommendations on a party-line vote, and then referred those recommendations to the House Budget Committee, which will now combine the legislation into one measure and then send it to the House floor for consideration.

Although the House plan, which will serve as the vehicle for health care reform, has been criticized by liberals and conservatives, House leadership expects that the replacement law will be ultimately approved by the body. However, the Congressional Budget Office is expected to release its fiscal analysis of the legislation as early as today, which could be a blow to the bill if it estimates that the replacement will add significantly to the deficit or if it reveals a massive drop off in coverage.

However, even if the bill makes it to the Senate, it will almost certainly be dead on arrival, at least as it is currently drafted, given the criticism expressed by Republican Senators whose votes are crucial, given the Republicans' slim 52-member majority. In addition to Senators Rand Paul (R-Ky.), Tom Cotton (R-Ark.), Mike Lee (R-Utah), and Ted Cruz (R-Texas), who have vocally opposed the House legislation because they believe it does not go far enough in repealing the ACA, four of their

Republican colleagues, Sens. Rob Portman (Ohio,) Shelley Moore Capito (W.Va.), Cory Gardner (Colo.) and Lisa Murkowski (Alaska), signaled last week that they will vote against any ACA replacement bill that eliminates the law's Medicaid expansion. While the law's future is anything but certain, Senate leadership is currently planning to pass the legislation before the chamber's two-week recess that begins on April 7.

Key Provisions of the American Health Care Act

- Age-based tax credits ranging from \$2,000 to \$4,000, replacing the Affordable Care Act's income-based subsidies.
- Limits credits for a single household to \$14,000.
- Phases out subsidies for individuals earning \$75,000 and at \$150,000 for families.
- Continues the increased FMAP funding for the existing Medicaid expansion population until 2020. States would be allowed to continue to add to the expansion population beyond 2020, but the federal match would revert to the traditional FMAP for that population.
- Medicaid Overhaul: Caps Medicaid payments to states based on each state's historical per enrollee cost and the number of enrollees in the state using a base year of FY 2016. Eliminates the penalty for individuals who don't obtain health coverage and replaces it with a requirement that individuals maintain continuous coverage or face a financial penalty (a 30 percent surcharge on premiums for a year) the next time they obtain insurance.
- Eliminates the penalty for business that fail to offer coverage to employees.
- Defunds Planned Parenthood for one year.
- Eliminates many of Obamacare's taxes beginning in 2018, including those on prescription and over-the-counter drugs, tanning services and health savings accounts.
- Includes \$100 billion for state grants aimed at stabilizing the individual market over 10 years. States could use this money to create reinsurance programs or high-risk pools.
- Authorizes HHS to allow, through rule, insurers to vary premiums based on age by up to a five to one ratio for plan years beginning in 2018. The current limit is three to one.
- Increases federal payments to community health centers.

NCSL's Summary of the American Health Care Act

NCSL Contact: Rachel Morgan

DYK? 2017 marks the centennial of the swearing-in of the first woman to become a member of the U.S. Congress, Jeannette Rankin (R-Montana). A pacifist and suffragist, Rankin was elected to Congress four years before the 19th Amendment gave women nationwide the right to vote. In 1914, her home state of Montana passed a law granting suffrage to women in that state, but these women could still not vote for president. In fact, 15 states allowed women to vote before the 19th Amendment's ratification in 1920. "I may be the first woman member of Congress," she observed upon her election in 1916. "But I won't be the last."

Trump Administration's Budget Expected This Week

The Trump administration is expected to release its complete budget plan this week. While the budget proposal will not become law, it will be an important signal to Congress of the administration's funding priorities.

Preliminary budget documents, obtained by the Washington Post last week, reveal that the Trump administration is considering more than \$6 billion in cuts at the Department of Housing and Urban Development. The cuts would be realized through reduced funding of public housing support and through eliminating most federally funded Community Development Block Grants (CDBG). While the lion share of \$3 billion in CDBG funding is transmitted directly to cities and urban counties, \$870 million of CDBG funds are sent to the states who then direct their allocation. While it is unclear if the cuts will be realized or even if they will be included in the president's final budget proposal, they do signal that Trump is following through with his goal of reducing domestic spending to pay for his proposed \$54 billion increase in defense spending.

NCSL Contacts: [Max Behlke](#), [Jake Lestock](#)

Defense Spending Bill Advances

Last Wednesday, the House overwhelmingly approved the \$584 billion defense spending bill that will likely become the vehicle for the entirety of government appropriations for the remainder of the fiscal year by the time it is approved by the Senate. While the defense bill has strong bipartisan support, Senate Democrats have signaled that they may hold up passage of the measure in order to secure funding for domestic programs. While there is not yet an urgency to act on the bill, expect the budget fight to intensify in the coming weeks as the current federal spending bill expires on April 28.

NCSL Contacts: [Max Behlke](#), [Jake Lestock](#)

DYK? The United States is \$20 trillion in debt. If you stacked 20 trillion U.S. dollar bills one on top of the other, the height would reach to the moon and back over five times.

Debt Limit Returns on Wednesday

Last Thursday, Treasury Secretary Steven Mnuchin began taking "extraordinary measures" to delay the U.S. government from defaulting on its obligations and called upon Congress to lift the debt ceiling before he exhausts his options. In a letter the day before to House Speaker Paul Ryan (R-Wis.), the secretary wrote that the Treasury began suspending the sale of certain state and local securities and will soon suspend payments to certain pension funds in order to delay defaulting on other payments. If Congress does not raise the government's borrowing authority by the time the Treasury runs out of options, the government will default on its spending obligations.

NCSL Contacts: Max Behlke, Jake Lestock

McConnell Pessimistic About Swift Passage of Tax Reform

In an interview with POLITICO last Thursday, Senate Majority Leader Mitch McConnell (R-Ky.) said that the complexity of tax reform combined with the health care reform debate is making it increasingly likely that the tax reform debate will not be considered until after the August recess. When asked about a realistic timeline, the leader responded with, "I don't know - it's complicated." However, the Chairman of the House Ways and Means Committee, Kevin Brady (R-Texas), said last week that he had not talked to McConnell, but was moving ahead on a more optimistic timeline. He said that, "I can tell you from the Ways and Means perspective, we're staying right on track. We're moving forward with action this spring - be ready for further action [in the full House] this summer."

NCSL Contacts: Max Behlke, Jake Lestock

DYK? "First Lady" was used first in 1849 when President Zachary Taylor called Dolley Madison "First Lady" at her state funeral. It gained popularity in 1877 when used in reference to Lucy Ware Webb Hayes. Most First Ladies, including Jackie Kennedy, are said to have hated the label.

Congress Sends Education Legislation to the President

On Wednesday March 8, the Senate voted 59-40 to pass House Joint Resolution 58, a measure blocking NCSL-opposed regulations on teacher preparation programs, issued by the Obama administration. The teacher prep regulations would require states receiving funds under the Higher Education Act (HEA) to create a rating system for teacher prep programs based on several criteria. Only programs rated as "effective" (rather than "low performing" or "at risk of becoming low performing") would be eligible to participate in TEACH grants, a federal student financial aid program. NCSL had issued a letter in support of HJR 58 and its companion, SJR 26. On Thursday, the Senate also voted 50-49 to approve HJR 57, a measure that would block ESSA accountability regulations. The vote was cast along party lines, with lone Republican Rob Portman, R-Ohio, voting against. The measures now await signature by the President.

NCSL Contact: Lucia Bragg

The March 6, 2017 Capitol-to-Capitol can be found here.

If you have comments or suggestions regarding Capitol-to-Capitol, please contact Max Behlke.

[Read More](#)

Capitol to Capitol is a publication of the National Conference of State Legislatures, the premier bipartisan organization representing the interest of states, territories and commonwealths. NCSL is recognized as a formidable lobbying force in Washington, D.C. NCSL works to protect states from unfunded federal mandates and unwarranted federal pre-emption of state authority, and seeks to provide state legislatures the flexibility they need to innovate and be responsive to the unique needs of their residents. NCSL's advocacy is guided by the policy directives and resolutions adopted by a ¾ majority of states during NCSL's Legislative Summit.



© National Conference of State Legislatures

Denver: 303-364-7700

Washington: 202-624-5400

[Unsubscribe from these messages.](#)

7700 East First Place, Denver, CO 80230

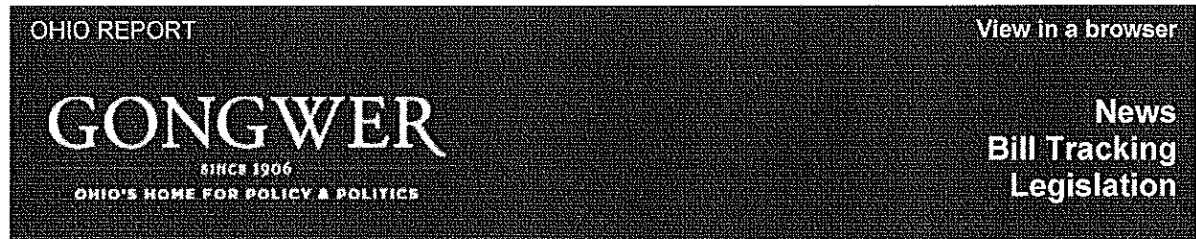
From: Gongwer News Service

Sent: Tuesday, March 14, 2017 7:33 PM

To: Rep76

Subject: Ohio Report, Tuesday, March 14, 2017

Attachments: Mar14Senate.htm; Mar14.htm; Mar14House.htm; 170314dayplan.htm



OHIO REPORT TUESDAY, MARCH 14

March House Floor Vote Eyed For Energy Standards Bill

Long-Term Care Operators Balk At Changes In Medicaid Budget

Desire To Expand Student Resources Drives Community College Budget Revision Proposals

Addiction, Mental Health Service Providers Tell House Budget Panel Of Capacity Problems

Industry Groups: Severance Tax Hike Would Be 'Disastrous'

Summer Food Program Push Made Optional In Bill Slated For Wednesday Floor Vote

Local Governments Lobby For Permissive License Fee Increase

Ohio Business Gateway Chief: Added User Load Proposed By Budget No Problem

**DRC Continues To Push Plan Diverting Low-Level Offenders From
Prison; DYS Backs Efforts To Keep Population Down**

House Speaker Names Task Force Chairs

Governor's Appointments

Attorney General's Opinion

Supplemental Agency Calendar

Senate Committee Hearings

Judiciary

Transportation, Commerce & Workforce

House Committee Hearings

Economic Development, Commerce & Labor

Finance: State Government & Agency Review Sub.

Ways & Means

Finance: Health & Human Services Sub.

Finance: Higher Education Sub.

Finance: Transportation Sub.

Public Utilities

Criminal Justice

Federalism & Interstate Relations

Education & Career Readiness

ACTIVITY REPORTS

House

Senate

CALENDARS

Day Planner

Please send all correspondence to gongwer@gongwer-oh.com. This mailbox is not regularly monitored.

[View as a Web Page](#)

Copyright 2017, Gongwer News Service/Ohio
17 S. High St., Suite 630, Columbus OH 43215

All Rights Reserved. This message and any attachments may not be forwarded or reproduced without express permission from Gongwer News Service.

[unsubscribe](#)



Senate Activity for Tuesday, March 14, 2017

INTRODUCED

SB 98 ■ **DENTAL THERAPISTS** (Lehner, P., Thomas, C.) To establish licensing requirements for dental therapists. Am. 1751.01, 2305.234, 2925.01, 3701.245, 3701.74, 3709.161, 3715.872, 3721.21, 4715.01, 4715.02, 4715.03, 4715.05, 4715.22, 4715.23, 4715.231, 4715.25, 4715.30, 4715.301, 4715.33, 4715.39, 4715.42, 4715.421, 4715.52, 4715.56, 4715.61, 4715.64, 4715.66, 4715.99, 4769.01, and 4773.02, to enact sections 4715.221, 4715.232, 4715.70, 4715.71, 4715.72, 4715.73, 4715.74, 4715.75, 4715.751, 4715.752, 4715.76, 4715.761, 4715.77, 4715.78, 4715.79, and 4715.80, and to repeal sections 4715.36, 4715.361, 4715.362, 4715.363, 4715.364, 4715.365, 4715.366, 4715.367, 4715.368, 4715.369, 4715.37, 4715.371, 4715.372, 4715.373, 4715.374, and 4715.375

SB 99 ■ **MEDICAID ENROLLMENT** (Coley, B.) To prohibit the Medicaid program from newly enrolling individuals as part of the expansion eligibility group. Am. 5163.01, 5166.40, and 5166.405 and to enact section 5163.15

SB 100 ■ **DISCRIMINATION LAWS** (Skindell, M., Tavares, C.) To prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission must attempt to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to eliminate certain religious exemptions from the Ohio Civil Rights Law. Am. 9.03, 124.93, 125.111, 153.59, 153.591, 340.12, 511.03, 717.01, 1501.012, 1751.18, 2927.03, 3113.36, 3301.53, 3304.15, 3304.50, 3314.06, 3332.09, 3721.13, 3905.55, 4111.17, 4112.01, 4112.02, 4112.021, 4112.024, 4112.04, 4112.05, 4112.08, 4117.19, 4735.16, 4735.55, 4757.07, 4758.16, 4765.18, 5104.09, 5107.26, 5123.351, 5126.07, 5165.08, 5515.08, and 5709.832

SR 59 ■ **SOO LOCKS** (Dolan, M., LaRose, F.) To encourage the President and the Congress of the United States and the United States Office of Management and Budget to support plans to upgrade the Soo Locks at Sault Ste. Marie, Michigan, and encourage the United States Army Corps of Engineers to take expeditious action in preparing an Economic Reevaluation Report.

SR 60

WOMEN'S DAY (Tavares, C.) Designating International Women's Day in Ohio, March 8, 2017.

SENATE PRESIDENT'S APPOINTMENTS

Legislative Service Commission: Appoint Sen. Peterson

Medical Marijuana Advisory Committee: Appoint Mrs. Megan M. Lawrence, replacing Mr. Martin McCarthy Jr. who resigned

Governor's Advisory Board of Faith-Based and Community Initiatives: Appoint Sen. Terhar

Controlling Board: Appoint Sen. Hottinger as a temporary replacement for Sen. Oelslager for the purpose of the board's meeting on Monday, March 13, 2017

COMMITTEE HEARINGS

Judiciary

SB 1

DRUG OFFENSES (LaRose, F.) To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamfetamine to the list of schedule II controlled substances.

(CONTINUED; 5th Hearing-All testimony-Possible amendments & vote)

Dennis Cauchon, author of The Clemency Report, detailed in written testimony how drugs are weighed and drug composition is determined. He said it's possible for the state to determine precise drug makeups so that sentencing based off compounds would be unnecessary.

SB 20

FELONY SENTENCES (Hackett, B.) To require an additional prison term of 3 to 8 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm.

(SUBSTITUTE-CONTINUED; 4th Hearing-All testimony-Possible amendments & vote)

Chairman **Sen. Kevin Bacon** (R-Minerva Park) explained the approved substitute measure, which he said "modifies the mandatory 3-8 year specification for causing permanently disabled harm in certain situations."

Sen. Skindell told the panel he plans to introduce an amendment that would remove additional mandatory minimum sentences that are contained in the substitute bill. Carolyn Knight, executive director of the Ohio Developmental Disabilities Council, submitted written testimony in support of the measure, saying that "any effort to deter criminal behavior that results in a permanent disability is an appropriate and necessary as a prevention activity."

SB 32 **TRIAL TIMELINES** (Eklund, J.) To provide a prosecutor an additional fourteen days to commence a trial after a person charged with a felony has been discharged because the person has not been brought to trial within the required amount of time and to authorize the court to release the person from detention in connection with those charges pending trial. (**CONTINUED (No testimony)**; 4th Hearing-All testimony-Possible amendments & vote)

SB 67 **OFFENDER REGISTRY** (Gardner, R., Hite, C.) To require the Attorney General to establish a violent offender registry and to name this act "Sierah's Law." (**CONTINUED**; 2nd Hearing-Proponent)

The committee heard proponent testimony from the family of Sierah Joughin, whose murder inspired the bill.

The 20-year-old University of Toledo student went missing in July after going on a bike ride in Fulton County and was found murdered days later.

Her family said they've wondered if it they'd have found her more quickly had there been a violent offender registry because her suspected murderer was previously jailed for abduction.

"The sex offender registry that was put into place by legislators worked just like it was meant to that night. Law enforcement had contact with the offenders in our area within hours after Sierah went missing, but unfortunately, the man indicted for this crime was not on any list or registry," her mother, Sheila Vaculik said.

"By simply changing legislation to force convicted violent criminals to register, we can save lives. We can equip law enforcement with the tools they need to identify predators within those crucial moments when a crisis occurs. We can change the outcome of other violent crimes. We can spare others the pain my family has endured. We can honor Sierah and her life," she added.

Mark Wasylyshyn, Wood County sheriff and president of the Buckeye State Sheriff's Association, confirmed that such a registry would be beneficial to law enforcement. His association voted earlier in the day to back the bill and amendments that would give county sheriffs the authority to conduct registration and provide them with the funds to do so. Answering questions from the panel, he said it's important that the list of offenses eligible for the list not be too broad and that his preference is for the registry to be public.

"In my experience, we have not had any issues of people who are harassing people who are on the sex offender registry. I think that we've mitigated that and we work closely with the offender and with the community," the sheriff told **Sen. Peggy Lehner** (R-Kettering), who raised concerns about the list being accessible to the public.

Attorney General Mike DeWine and Lucas County Prosecuting Attorney also supported the bill through written testimony.

SB 76 **TRESPASSING NOTICES (Coley, B.)** To amend the law governing criminal trespass to specify that placing purple paint marks on trees or posts constitutes posting notice in a manner reasonably calculated to come to the attention of potential intruders. **(CONTINUED; 1st Hearing-Sponsor)**

Sen. Bill Coley (R-Liberty Twp.) said the practice of using purple paint instead of "no trespassing" signs is common in other states, including Texas, which was the first to allow it. "It is often difficult for landowners, particularly owners who have large pieces of real estate, to maintain and replace their 'no trespassing' signs on a regular basis," he said as the rationale behind the bill.

Other methods signaling the same message would still be permitted, he added. The bill would simply give residents the option of using purple paint.

Multiple committee members questioned the effectiveness of the paint, saying it could be difficult to see at night. Sen. Coley said the burden of proof that a violator knew that they were on private property is up to prosecutors, regardless of that the method of notification was.

He said purple became the standard color for the warnings when Texas selected it in 1997.

He said the bill is more geared toward rural areas where residents own large numbers of acres that they're looking to protect but have a difficult time keeping up with or affording signs.

Transportation, Commerce & Workforce

HB 26 **TRANSPORTATION BUDGET (McColley, R.)** To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs. **(CONTINUED (See separate story); 3rd Hearing-All testimony)**

SB 3 **WORKFORCE DEVELOPMENT (Beagle, B., Balderson, T.)** To revise the laws governing the state's workforce development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week. **(CONTINUED-AMENDED; 2nd Hearing-Proponent)**

Before the legislation was amended to clarify that In-Demand Jobs Week will begin in 2018, Ryan Burgess, director of the Governor's Office of Workforce Transformation, highlighted several portions of the bill, including credit for work-based learning experiences.

"The best way students can learn valuable, real-world skills and 'soft skills,' like collaboration and critical thinking, is to work," he said. "Senate Bill 3 expands current Credit Flexibility law by ensuring all students have the opportunity to receive credit for work experience and building a consistent framework that helps schools provide academic credit for this workplace experience."

Sen. Kenny Yuko (D-Richmond Hts.) asked about businesses leveraging dollars available to them for training purposes.

Mr. Burgess said a problem has been the lack of awareness about the availability of those funds. He said the state is in the process of trying to raise awareness about those programs.

The legislation would also create an OhioMeansJobs-readiness certification for students, along with simultaneous credits, and change state law to allow ex-offenders to apply for Certificates of Qualification for Employment upon release from prison.

Patrick Higgins, an Ohio Legal Assistance Foundation Justice For All fellow, and Steven JohnsonGrove, senior staff attorney at the Ohio Justice and Policy Center, both expressed support for the CQE proposal.

However, they said suggested the proposal be amended to include federal and out-of-state offenses in those eligible for CQEs and that the state provide filing fee guidance.

They said the legislation can help more than 1.9 million Ohioans with felony or misdemeanor records.

"There are over 900 state statutes and regulations that block people with various criminal records from employment, housing, familial relationships and many other rights and privileges. The CQE provisions in Senate Bill 3 will ensure that more individuals can become work-ready and begin rebuilding their lives," they said.

Joel Potts, executive director of the Ohio Job and Family Services Directors' Association, said the OhioMeansJobs-Ready certificate "is designed to meet the universal demand for individuals with what are commonly referred to as 'soft skills.'"

"Many OMJ centers are actively partnering with their local schools on endeavors to teach these skills, and often times the development of soft skills is a priority for individuals who are receiving work-required public assistance benefits through their county JFS," he said.

"In addition, the Comprehensive Case Management and Employment Program, administered locally by the CDJFS/OMJ center, accepts volunteers ages 16-24 who are looking to remove barriers and develop the necessary skills and training to enter the workforce."

The Ohio Job & Family Service Directors' Association Workforce Committee and Easter Seals Ohio also provided written testimony in support of the measure.

SB 6 **BRIDGE PROGRAM (Hoagland, F.)** To extend the Ohio Bridge Partnership Program through the end of fiscal year 2019 and to require the Director of Transportation to submit a report to the Governor, Senate, and House of Representatives recommending ways to continue to fund the program.
(CONTINUED; 2nd Hearing-Proponent)

Representatives of the state's counties and their engineers threw their support behind the legislation that would codify the Ohio Bridge Partnership Program.

Brad Cole, managing director of research at the County Commissioners Association of Ohio, said under the legislation, the program will sunset after Fiscal Year 2019. However, it will require the director of the Department of Transportation to prepare a report on how the program can continue after that time.

"Inspecting, maintaining, repairing and, when necessary, replacing approximately 26,000 bridges on the county system requires the cooperation of state and local officials. CCAO supports this effort by the state to assist counties in meeting the transportation needs of Ohioans," Mr. Cole said.

Clinton County Engineer Jeffrey Linkous, representing the County Engineers Association of Ohio, said in its first three years the program has leveraged \$120 million in federal dollars to replace about 200 bridges.

"County Engineers Association of Ohio is in support of permanently continuing the Ohio Bridge Partnership Program. It does not completely solve the bridge funding issue. Nevertheless, as with every new program, if there are opportunities to improve the program we would like to make them," he said.

Subscribers Note: For full testimony, visit the [committee's website](#) under March 14.

17 S. High St., Suite 630
Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,
Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.



Volume #86, Report #49 -- Tuesday, March 14, 2017

March House Floor Vote Eyed On Energy Standards Bill

A bill to change the state's renewable energy standards into unenforceable goals is being teed up for a vote on the House floor later this month.

That's according to House Public Utilities Committee Chairman Rep. Bill Seitz (R-Cincinnati), who said his committee will accept all testimony on the bill (HB 114) at its second hearing next week.

"It's the chair's intention and the intention of leadership to move this bill very smartly through this committee with the goal of having it on the floor of the Ohio House by the end of the month," Rep. Seitz said.

That's a relatively quick turnaround for the bill from Rep. Louis Blessing (R-Cincinnati) that was introduced March 8. But lawmakers spent months last session debating the issue, before a bill to pause the benchmarks for two years (HB554, 131st General Assembly) was ultimately vetoed by Gov. John Kasich.

Gov. Kasich, for his part, said Monday he hasn't changed his mind on the issue and predicted the bill will have trouble passing the Senate. (See Gongwer Ohio Report, March 13, 2017)

Rep. Blessing, in testimony before the committee Tuesday, said the bill simply acknowledges industry trends in which companies are moving toward renewable energy and energy efficiency efforts on their own without the need for mandates.

"I want to work with this committee to craft the best legislation possible," Rep. Blessing said. "Given the heavy hitters on this committee, I truly believe great things will be accomplished by this bill."

Rep. Seitz, who along with 53 other members of the House Republican Caucus is a cosponsor on the bill, argued to committee members that the bill is essentially "identical" to last year's HB554 except for four changes, including:

- Converting the renewable energy standards to goals indefinitely rather than for a two year period.
- Permitting residential customers of a distribution utility or electric services company to opt out of any rider, charge or other recovery mechanism designed to recoup the cost of renewable energy.

- Underscoring that renewables are bypassable charges, rather than nonbypassable charges.
- Specifying that the 12.5% renewable energy goal to be attained by 2027 will end at that time and not continue indefinitely.

To opponents, who already opposed HB554, those are significant changes that have already led them to label the new bill "even worse" than its predecessor and a "de facto death sentence" for clean energy jobs. (See Gongwer Ohio Report, March 8, 2017)

In addition to environmental groups that have already blasted the proposal, the Ohio Democratic Party on Tuesday waded into the fray. ODP Chairman David Pepper cited Gov. Kasich's December remark that the state was on the verge of a recession to criticize the bill. (See Gongwer Ohio Report, December 6, 2016)

"If you ever wanted evidence that Columbus is broken, look no further than the fact that Statehouse Republicans are pushing a bill just like one that the governor vetoed in December during the lame duck session," Mr. Pepper said. "At a time when Ohio is 'on the verge of a recession' and we have trailed the national average for job growth in 48 of the past 49 months, it's outrageous incompetence that Columbus Republicans are introducing legislation that would cause businesses to leave the state and endanger thousands of clean energy jobs."

Committee Democrats were similarly skeptical. Rep. Kent Smith (D-Euclid) questioned the premise that the fossil fuel industry has received fewer subsidies than renewable energy. Rep. Blessing replied that he was speaking proportionally.

"What I'm saying is generally speaking, renewables receive a lot more subsidies than fossil fuels," Rep. Blessing said. "Granted, if you look at this in real dollars fossil fuels do get more money, but you have to look at the proportion."

Asked by Rep. Mike Ashford (D-Toledo) whether the bill would cost renewable energy and energy efficiency jobs, which both sides agreed currently number at about 100,000 jobs, Rep. Blessing said, "It might, but I would point out at what cost?"

Rep. Blessing likened it to having people purposefully break windows in order to support workers who fix windows. Rep. Seitz followed up by adding that the "vast majority" of those jobs are in the energy efficiency area, which would still be mandated under the bill at a cumulative 17.2%.

The legislation will likely have no trouble clearing committee given that 12 Republican committee members - more than half of the 23-member committee - are sponsoring the bill.

Long-Term Care Operators Balk At Changes In Medicaid Budget

Representatives of nursing facilities told a House budget panel Tuesday that a budget proposal to cut their reimbursement and fold them into Medicaid managed care could severely limit their ability to provide services.

Pete Van Runkle, executive director of the Ohio Health Care Association, told the House Finance Subcommittee on Health and Human Services the issues are the biggest concerns his industry has with the proposed executive budget (HB 49).

Mr. Van Runkle said the proposal to move the long-term services and supports population into managed care is unnecessary because nursing facilities already manage the care for patients.

"We coordinate the care for our patients in our facilities. We're responsible for all of their care," he said. "We basically think that managed care is not right for long-term services and supports."

He also told the committee that his industry is wary of managed care after experiencing problems with the launch of the MyCare Ohio program in several counties. That program, which put some of their residents into managed care, led to difficulties for facilities in getting reimbursed.

Mr. Van Runkle said the evaluation of MyCare Ohio has not been released, and he urged lawmakers to be cautious of moving more populations into managed care without more research.

Kathryn Brod, president and CEO of LeadingAge Ohio, also testified about concerns with the budget proposal. Asked by subcommittee Chair Rep. Mark Romanchuk (R-Mansfield) about managed care, she said some of her members might be interested in it, but there have been problems.

"Some of our members would be very intrigued at the opportunity to work at a greater degree in the managed care space, however there have been a fair number of issues that we believe need to be addressed," she said. "Without protections, they would feel very uncomfortable."

Mr. Van Runkle and Ms. Brod both said the reimbursement calculations could have severe effects on the workforce of skilled nursing facilities.

Mr. Van Runkle said the budget proposes to cut \$263 million from nursing facilities over the biennium, a total that would force facilities to reduce their staff sizes and roll back pay raises.

"It is true that we spent that money that came through rebasing to give our people raises, to hire more staff, to deal with the workforce crisis that we have out there right now," he said. "If we lose this money through this clawback, we're going to have a heck of a time."

The administration has said the cuts are designed to roll back reimbursements that came in above what they were estimated to be after the rates were adjusted in the last budget.

Department of Medicaid Director Barbara Sears told the subcommittee last week that the cuts are due to the agreed-upon formula leading to far more in reimbursement for nursing facilities than the state intended. The administration had expected to put in about \$150 million more last budget, and ended up spending \$263 million more. (OHT white paper)

"We're coming back and saying we made an error in the calculation," she said.

Mr. Van Runkle said the industry agreed to a new formula, not a specific amount of money.

"We think that should be taken out of the budget bill," he said. "It's inappropriate policy. It goes against the deal in the last budget bill."

Rep. Robert Sprague (R-Findlay) expressed concern that keeping the higher reimbursement levels would put an added strain on a Medicaid program that is already growing too fast.

Ms. Brod said improving the care given to people in nursing facilities will reduce costs in the long run by cutting down on the expensive treatment episodes the state will have to pay for.

"Without those rates we can't attract the workforce that we need, and without that I believe that the cost will continue to go up," she said.

Mark Ricketts, president and CEO of National Church Residences, which runs skilled nursing facilities and other programs for older Ohioans, said the higher reimbursement rates are needed because these facilities already struggle to pay their workers a living wage.

He said his organization has raised pay in recent years in an effort to help its workers, but that they can't hire enough people to provide the best care. He said it's also hard to retain workers because of the low pay.

"We're determined that we could not and would not in good conscience pay our employees a wage that does not lift them out of a vulnerable population," he said.

Desire To Expand Student Resources Drives Community College Budget Revision Proposals

Community College leaders on Tuesday said the momentum they've achieved in finding better ways to save students dollars on textbooks and tuition while providing a quality education is jeopardized by the executive budget.

Presidents from a handful of two-year colleges told the House Finance Subcommittee on Higher Education that budget (HB 49) provisions freezing tuition and requiring institutions to cover textbook costs could put a stop to the innovative work they're already doing.

Ohio Association of Community Colleges President Jack Hershey said priorities for institutions include providing student supports, creating more 2+2 and 3+1 pathways, increasing opportunities through industry-driven bachelor's degrees, and making available more open resource materials.

Those efforts would shorten the time and cost to credentials and improve student completion rates, but they'll be difficult to continue with essentially flat budget allocations for State Share of Instruction and the Ohio College Opportunity Grant coupled with new financial limitations, he said.

"Unfortunately, House Bill 49 continues a one-size-fits-all approach to college costs that pretends community colleges and universities face the same challenges," Mr. Hershey said. "Community colleges do not have an affordability problem. Instead, our top priority is helping more of our students complete their academic goals, whether that is earning an associate degree, a certificate or credential, transferring to a university, or upgrading their skills for a promotion in their current job."

While universities are permitted to raise costs for room and board and on graduate students, community colleges don't have options for bringing in more revenue, he said.

OACC offered recommendations to alleviate that, including allowing two-year institutions to increase tuition by up to \$10 per credit hour and permitting all institutions to establish a new student completion and career advantage fee.

"This fee would be used specifically to implement initiatives and programs in their state-mandated completion plans that will lead to increased student success rates," Mr. Hershey said. "Unlike tuition and general fee increases in the past, this fee would be developed in consultation with the chancellor and the revenues would be dedicated solely to direct student support services such as academic advisors, career counselors and the implementation of Campus Completion Plans."

Sinclair Community College President Steve Johnson said two-year institutions often enroll non-traditional students and those who are first-generation college students.

Because the cost of attending his institution averages about \$800 per year after grants and scholarships, he said it's likely family and work obligations or lack of support that set students back as opposed to financial issues.

"Allowing a fee increase that would be modest, that wouldn't burden the students, to hire 10-15 more people that could mentor thousands of more students in a genuine direct relationship manner to help them get through - that's what they need," he said.

Rep. Mike Duffey (R-Worthington) said he "couldn't agree more" with the need for more student supports, adding that the goal should be to increase quality faster than costs - something additional state dollars could help with.

Columbus State Community College President David Harrison said his institution hasn't increased tuition in more than six years and is graduating more students than ever despite historically low enrollment.

The institution has also collaborated with faculty to reduce textbook costs, saving students an estimated \$4.7 million over the past four years, he said.

"We have momentum, but we are not reaching all students due to resource limits," Mr. Harrison said. "We are concerned that some of the policy proposals in the Fiscal Years 2018-19 state budget could negate the growing momentum of the last several years."

He recommended an increased focus on 2+2 bachelor's degree partnerships, which help students earn degrees at lower costs.

If all 1,500 students who transfer from Columbus State to Ohio State University each year were to earn their associates degree first, they'd shave off about 40% of the cost of a bachelor's degree, Mr. Harrison said.

"Ohio ranks in the bottom quarter in the U.S both in terms of the number of students who graduate with debt and in the amount of debt they take on. States with strong 2+2 policies and incentives score much better on both measures," he said.

Mr. Hershey also pushed the expansion of 3+1 pathways, saying that the state is moving too slowly in bringing community colleges and universities together to discuss the logistics.

The budget permits the chancellor to hold a meeting on the topic, something Mr. Hershey said he already has the authority to do and should as soon as possible.

The state also needs to pick up its pace in the area of short-term certificates that could lead to good paying jobs with less than a year of training, he said. He asked lawmakers for \$10 million in FY 2019 to help colleges develop and offer short-term certificate program to meet in-demand workforce needs.

Mr. Hershey, like many other higher education leaders, also called for the removal of a budget provision requiring institutions to provide students with textbooks.

It's untrue that institutions are not interested in working to address the issue of textbook costs, he said, pointing to a currently-under-review grant application that would assist

community colleges with developing Open Educational Resource materials for the top 20 most highly enrolled courses.

The proposal would impact more than 225,000 students and save them an estimated \$30 million annually on textbooks, he said.

"Hopefully, we can get to work on real solutions on the issue of textbook affordability even before the legislature finalizes its work on this state budget," Mr. Hershey said.

The committee also heard testimony from the presidents of Cincinnati State Technical, Lorain County, Edison State, and Southern State community colleges.

Subscribers Note: Complete testimony is available on the committee's website under March 14.

Addiction, Mental Health Service Providers Tell House Budget Panel Of Capacity Problems

Local addiction and mental health service providers told a House subcommittee Tuesday they need more funding to shore up capacity, and pointed to the Medicaid behavioral health redesign as a potential hurdle for that progress.

Representatives from county boards and nonprofit addiction services agencies shared stories with the House Finance Subcommittee on Health and Human Services of shortages in capacity and what they need money for.

Jerry Craig, executive director of Summit County Alcohol, Drug Addiction and Mental Health Services Board, suggested the legislature fund nine collaborative 16-bed stabilization centers across the state at \$1 million per year. He also asked for an additional \$12 million for local ADAMHS boards to expand capacity for recovery access, withdrawal management and treatment services.

"We would propose that you allocate the funds to boards on a modified per-capita formula, using population and a three-year average of overdose deaths," he said. "This will allow any resident, irrespective of residence, to access the most critical services."

Maintaining coverage through Medicaid expansion was also a key way to help fight the drug issue, advocates said.

Michael Cohen, a member of Summit County Opiate Task Force, said his daughter is a recovering addict and through Medicaid gets shots of Vivitrol, which blocks opiate receptors in her brain.

"Of the recipients in Ohio, 92% get this shot through Medicaid," he said. "Stop Medicaid expansion and the death toll will skyrocket. My daughter has access to mental health counseling and gets her medication because of Medicaid expansion and the ACA. She

and most others would not be able to afford these lifesaving services without the Medicaid expansion."

He suggested the Ohio Addiction Treatment Program should be opened up to the whole state and well-funded.

"A resident's location should not determine services," he said. "This program has been tested since 2013 and it is the best medical protocol to date. This program is a proven success."

Joe Trolan, executive director of the Richland County Mental Health and Recovery Services Board, said his county has experienced a rise in both overdose deaths and suicides in recent years.

Dennis Baker, executive director of Mansfield Urban Minority Alcohol and Drug Abuse Outreach Program, testifying alongside Mr. Trolan, said his organization offers recovery housing for people receiving medication-assisted treatment.

Rep. Robert Sprague (R-Findlay) asked what need the community has for more recovery housing.

Mr. Baker said they have a long waiting list, but that they've found most people are able to leave the housing as they find jobs and finish training programs.

"We just don't have enough space for all the people who need the service," he said. "A very important part of recovery is getting them some stable housing."

Mr. Baker said the proposed new rates under the state's behavioral health redesign are not ideal, but his organization is expected to be able to continue to provide services. The higher reimbursement for more credentialed staff has encouraged his workers to get higher certification.

"Nobody's happy with the rate change but we're going to make it work," he said.

Mary Stiles, general counsel for OhioGuidestone, said the planned behavioral health redesign is moving too fast, and the rules released earlier this year are vague and inconsistent.

"The transition is being rushed too fast, rather than taking the necessary time to responsibly navigate the transition with the provider community," she said. "A hastily designed transition will have a destabilizing effect on providers and ultimately impact care to our clients. We ask you, the members of the General Assembly to delay implementation."

Rep. Emilia Sykes (D-Akron) asked how much time her organization would need. Ms. Stiles said they would need at least six months after final rules were provided.

Ms. Stiles also warned that they experienced problems in the MyCare Ohio transition, and that similar problems receiving payment through contracts under the behavioral health redesign would be costlier as it would affect a much broader base of patients.

Industry Groups: Severance Tax Hike Would Be 'Disastrous'

Representatives of the oil and gas industry on Tuesday lobbied members of the House Ways & Means Committee to remove a proposed severance tax hike from the budget.

The industry's concerns on Gov. John Kasich's latest proposal came as lawmakers - and Gov. John Kasich - have admitted the provision is unlikely to survive the General Assembly's budget rewrite. (See Gongwer Ohio Report, January 30, 2017)

Still, API Ohio and the Ohio Oil and Gas Association each criticized the proposal, which they said would harm an industry that's already facing a downturn.

The budget proposes a 6.5% tax on oil and natural gas collected at the wellhead or a 4.5% tax on natural gas liquids and those sold after processing in a move the administration estimates will generate an additional \$140 million in Fiscal Year 2018 and \$310 million in FY 2019. (Redbook)

Tax Commissioner Joe Testa and the administration have previously argued the industry isn't paying its fair share - a charge the industry is pushing back on. (See Gongwer Ohio Report, February 28, 2017)

"While prices have somewhat rebounded from a disastrous low in 2016, Ohio has to remain cognizant of the fact that capital is fluid and mobile. One of the only advantages we have is a low tax rate," OOGA Executive Vice President Shawn Bennett said. "If you make our tax rate even middle of the pack, investment and development will decrease." (Testimony)

But some lawmakers sought clarification on that premise. Rep. Jack Cera (D-Bellaire), for instance, pointed out that the Oil and Gas Regulation and Safety line item of the Department of Natural Resources budget received a \$6 million increase in recent years. Budget documents show that line item received \$13.27 million in FY 2016 and was allocated \$19.44 million in subsequent years including under the proposed budget.

"How did we get a \$6 million increase in spending one year when we're going through a downturn in the industry?" Rep. Cera asked.

Mr. Bennett and API Ohio Executive director Chris Zeigler referred the question to ODNR. But both said the number of wells currently operating numbers around 20 - well below the 60 in operation several years ago.

"There is never a good time to be the bearer of increased taxes, but for Ohio's oil and natural gas industry and supporting businesses, an increased severance tax could be devastating," Mr. Zeigler said. (Testimony)

Mr. Zeigler argued that any increase in the taxes should not be used to fund a "wide-scale reduction" in other taxes. The severance tax revenue, both groups argued, should be used to support the industry, such as through a program to fill orphan wells - funding for which they said would be cut under the budget proposal.

"Since 2011, Ohio severance tax increase proposals have not been presented in the context of an overall energy policy or taken into account other factors directly impacting the industry," Mr. Zeigler said. "The proposed tax increases are merely a means to an end objective that doesn't promote the industry's continued existence."

Mr. Bennett argued that one of the benefits of the current approach, which is a volumetric tax, is that it more easily mirrors industry activity, with revenue growing or shrinking based on upturns or downturns in the industry.

He also said the proposal differs from previous ones in that it would increase taxes on all oil and gas production in the state.

"In the past iterations of the proposed severance tax increase, conventional operators were held harmless as a severance tax change was only proposed for horizontal operators," he said. "In HB 49, all oil and gas operators would face a 16-times greater severance tax than what they are paying today. Traditional Ohio 'mom and pop' operators would now face a tax increase - a tax increase their current businesses could not bear. The result would be the shutdown of conventional operations, including family businesses and traditional Ohio companies."

Several lawmakers questioned comparisons between Ohio and other producing states, with Mr. Bennett suggesting that an "apples to apples" comparison is virtually impossible. Regulatory climate, infrastructure and taxes are all factors operators consider when deciding in which states to operate, he said.

Summer Food Program Push Made Optional In Bill Slated For Wednesday Floor Vote

A bill aimed at turning more school buildings into summer meal sites for students in need is headed to the House floor with an amendment that makes the process permissive.

The House Education and Career Readiness Committee on Tuesday unanimously reported the measure (HB 80) following debate on an amendment that eliminated language requiring schools not currently providing summer food programs to enter into contracts with approved third party operators.

Rep. Ron Hood (R-Ashville) said he introduced the amendment on behalf of those in his caucus who are opposed to school mandates.

Democrats objected to the change, however, arguing that it would make the bill ineffective because schools can already enter into contracts with providers who want to use their facilities to run summer food programs.

"I am deeply troubled by this amendment because it seems to me it renders this bill completely devoid of impact," said Rep. Greta Johnson (D-Akron) "It makes this bill a good idea, which is unfortunate because it allows schools who are doing nothing to feed these hungry children to continue doing nothing. I'm not sure it furthers the cause of what this bill intends to do."

Rep. Teresa Fedor (D-Toledo) added that she's typically concerned about local control, but "the need of feeding our children is something that overrides that."

One of the bill's sponsors, Rep. Sarah LaTourette (R-Chagrin Falls) said she also would have preferred to kept the bill as-is, but added that it's a necessary compromise if schools are to be given authority to enter into certain contracts.

"There are some many members in our caucus who have concerns anytime they hear the word mandate and I was trying to be sensitive to that," she said. "I don't think the amendment hurts the bill."

Although schools can currently work with third-party operators, the bill advises on insurances, liability and payment collection - all of which would be helpful guidance in creating contracts, Rep. LaTourette said.

Lisa Hamler Fugitt, executive director of the Ohio Association of Foodbanks, told the panel that 42% of Ohio students are eligible for free or reduced-priced meals.

She supported the measure, saying that it will help ensure that more of those eligible students continue to have access to those meals during the summer months when school isn't in session.

"Quite simply, we can't afford to not consider approaches like House Bill 80," she said. "Ohio's hungry children are spread across the state, in urban environments, in rural areas, and in our suburbs and small towns. When they can't get to us, we must get to them."

"House Bill 80 provides one more way to accomplish that - another way to feed our children in schools they know and trust, to have sites in neighborhoods that are closer to home, and to do so at no cost to already-strapped districts," Ms. Hamler Fugitt continued.

Ashon McKenzie, policy director for Children's Defense Fund-Ohio shared those sentiments. He pointed to a Food Research and Action Center study showing that more than 75% of eligible Ohio children regularly eat a school meal, but only about 10% of those take part in summer meal programs.

"These children are left in challenging positions to find food for themselves or go hungry," he said. "Schools are typically central locations in a community and ideal locations for a summer meals programs."

However, the Department of Education has determined that just 230 schools, or about 13% of those in the state, are among the 1,800 open meal sites, Mr. McKenzie said.

Scott Neely, director of government affairs for the Children's Hunger Alliance, added that Ohio ranks 40th among the 50 states and the District of Columbia in terms of the number of children participating in summer meals when compared to the number that eat at school during the school year.

"What can be done in Ohio to increase summer meal participation from 10% of eligible children to the national goal of 40 percent? Children's Hunger Alliance believes that part a big part of the solution is to increase access to summer meal programs," he said.

Mr. Neely said this is also growing evidence that summer food programs also have a positive impact on children's academic progress because they're more likely to socialize with peers and take part in activities offered at the meal site.

Darold Johnson, legislative director for the Ohio Federation of Teachers, also said summer food programs paired with learning activities have worked well in preventing summer knowledge loss that's prevalent among poor students.

Local Governments Lobby For Permissive License Fee Increase

Municipalities and townships should be extended the opportunity to levy a permissive \$5 license fee, witnesses told a Senate panel on Tuesday.

Proponents of extending the ability to levy the fee to municipalities and townships told members of the Senate Commerce, Transportation & Workforce Committee that doing so will help keep up with transportation infrastructure needs.

Gov. John Kasich's biennial transportation budget proposal (HB 26) was amended in the House to allow counties to levy the \$5 permissive fee, but William Murdock, executive director of the Mid-Ohio Regional Planning Commission, said other forms of government need additional revenue as well. (Redbook)

"While the \$5 permissive license fee increase for counties in the current bill is an important step, we believe an increase should also be extended to municipalities and townships to use for transportation purposes," he said.

"This is a simple way to let local communities of any size or type address the needs their businesses and residents demand. To be very direct, allowing every Ohio community the basic resources needed to fill more potholes should be a priority for both job growth and safety."

Delaware City Manager Tom Homan, testifying on behalf of the Ohio Municipal League, said the limit on the total combined fee of \$20 that local governments can levy should be raised for the first time since 1987.

"Clearly, the revenue generated from license plate fees is not an 'end-all, be-all' of local government funding," he said. "But at a time when costs to maintain these roads is at an all-time high, license fees are one more tool in our tool box to alleviate the strain on our funding."

Mr. Homan said the estimated cost to local governments to maintain roads and bridges over the next 25 years is \$41 billion. License plate fees could help meet those needs, he said.

"The fee you are being asked to consider is not mandatory, but a permissive fee. As currently occurs, local governments will vary on how they utilize this option. For this reason, granting additional permissive authority would not be an automatic increase across the state. It is simply one more option for local communities," he said.

Brad Cole, managing director of research at the County Commissioners Association of Ohio, praised the House change that would allow counties to levy the \$5 permissive fee. However, he also threw his support behind extending the ability to municipalities and townships.

"CCAO also would support a simple amendment to the county MVL authority that would permit commissioners to submit the question of enacting the fee to the voters, in addition to the authority already granted by the bill for commissioners to adopt the MVL fee, subject to a potential referendum requiring the question of the MVL fee to be submitted to the voters," he said.

Chairman Sen. Frank LaRose (R-Hudson) questioned the CCAO's request that the permissive fee be allowed to be submitted to voters. "Why would they want to have that option at their fingertips as well?" he asked.

Mr. Cole said it would be in line with Ohio law on MVL fee increases. "It's also helpful to be able to say they have a choice," he added.

In written testimony, both the Ohio Municipal League and the Ohio Township Association advocated for the ability to levy the permissive license fee to be extended to cities, villages and townships.

"Safe and reliable roads are needed in Ohio to create and maintain economic development and a quality living environment. By permitting municipalities and townships the authority to levy an additional permissive MVL fee, you are providing an option to local officials to relieve budget constraints and complete road maintenance projects that are long overdue," OML Executive Director Kent Scarrett and OTA Executive Director Matt DeTemple wrote in testimony.

Painesville Township Trustee Josh Pennock echoed those sentiments in written testimony.

Mr. Murdock also supported budget language that creates a pilot program on Interstate 670 in Columbus that would allow Department of Transportation Director Jerry Wray to vary speed limits on the roadway and open the left shoulder to traffic in an effort to ease congestion.

Sen. Stephanie Kunze (R-Hilliard) said she has heard concerns from constituents that the proposal would amount to a speed trap.

"This is about safety and reducing congestion," Mr. Murdock said.

The Greater Ohio Policy Center continued to request additional funding for public transportation. A.B.A.T.E. of Ohio, Inc. spoke out against a provision that would require the director of Department of Public Safety to authorize private organizations to offer the Motorcycle Safety Foundation's Basic Rider Course.

Clinton County Engineer Jeffrey Linkous, representing the County Engineers Association of Ohio, provided written testimony in support of a two-year pilot program that reduces commercial vehicle registrations from \$30 to \$15 in Clinton, Lucas, Montgomery and Stark counties.

Ohio Business Gateway Chief: Added User Load Proposed By Budget No Problem

The state's chief information officer told a House committee Tuesday that he's confident the Ohio Business Gateway could handle an increase in new users that would result from the executive budget proposal.

His testimony came one week after municipalities and businesses groups voiced concern about the OBG's current operations and a budget provision (HB 49) that would centralize city income tax collections by mandating use of the system. (See Gongwer Ohio Report, March 7, 2017)

"We are confident that either the existing or the new system has more than enough capacity to handle the increased volume and transactions," CIO Stuart Davis told the House Ways & Means Committee in his testimony.

Through the budget, the administration proposes to centralize the administration of municipal income taxes on business net profits via the OBG.

The OBG is allotted just more than \$4 million a year in General Revenue funding for Fiscal Years 2018-2019 under the executive budget. That's flat funding from FY 2017, according to the Department of Administrative Service's Redbook.

In addition to questioning whether the OBG could handle that workload, members of the committee also sought a response to testimony from businesses that said the interface makes it more difficult to file taxes.

Mr. Davis told lawmakers a forthcoming OBG 3.0 overhaul of the system will be easier to use and potentially more compatible with the software used by filers. With a cloud-based approach, he said, the new system will be able to grow and shrink capacity based on demand.

As far as other complaints, he said two additional servers were recently set up to address slowdown issues and that two more will be installed by the end of March.

"The gateway has a 15-year track record of managing increased volume and capacity and of adding and enhancing features and services for our service partners, our term for the state agencies and local governments who collect payments through the gateway," he said. "We have demonstrated numerous times our ability to meet this ongoing demand for new services and absorb any impacts to our capacity to deliver services through the gateway."

Asked by Rep. Steve Hambley (R-Brunswick) why so few businesses used the gateway considering that it's available to all businesses in the state, Mr. Davis said he did not know. Mr. Davis said the OBG services more than 5 million transactions a year, representing over \$12 billion and has more than 825,000 businesses registered. By comparison, when the service launched in 2002 it collected \$250 million through 100,000 transactions.

Rep. Michael Henne (R-Clayton) asked specifically whether OBG 3.0 would interface more easily with the systems filers use. Mr. Davis replied that the issue was still being explored.

The upgrade should be in place by Oct. 1, Mr. Davis said. But some lawmakers expressed skepticism of that timeline given the budget provision that calls for centralizing collection to be up and running by year's end.

"If I were in your shoes, I would be pretty darn nervous about that date," Rep. Gary Scherer (R-Circleville) said.

"Certainly that runway gets shorter every day," Mr. Davis acknowledged. "But we feel confident at this time we can do that."

Rep. John Rogers (D-Mentor-on-the-Lake) questioned why officials aren't upgrading the current system to be more user friendly.

"The accountants would then go ahead and use it rather than (us) forcing them to use it," Rep. Rogers said. "It would seem to me I would want those individuals filing tax returns to use my system or my gateway and I would try very hard when it's up and running to make sure it's easy to use."

DRC Continues To Push Plan Diverting Low-Level Offenders From Prison; DYS Backs Efforts To Keep Population Down

The state's stubbornly high prison population can be reduced through increased investment in communities, Department of Rehabilitation and Correction Director Gary Mohr told members of House panel Tuesday.

Gov. John Kasich's budget proposal (HB 49) contains an expansion of a pilot program that began in Clinton, Ross, Medina, Lucas, Williams, Defiance, Henry and Fulton counties intended to treat and maintain low-level offenders in their communities by supplementing supervision resources to the local courts. (Redbook)

"The participating counties have embraced this pilot and have implemented a diverse range of programs, from hiring a medical director to assist the court in selecting drug treatment options to funding a detox center in a vacant wing of a county jail," Mr. Mohr told members of the House Finance Subcommittee on Transportation.

"The response of the pilot counties underscores the idea that local communities are better situated to identify the needs of their citizens who are struggling with addiction. These resources allow for the counties to address these needs while maintaining public safety."

Those convicted of crimes involving violence, sex or mandatory sentences would be excluded from the program.

Of the nearly 20,000 yearly commitments to DRC facilities, about 8,300 are serving 12 months or less, Mr. Mohr said. Of that total, about 3,400 would be eligible for the program, 25% of which would be women.

If the program is implemented, 27 counties would have 10 offenders or less to manage in their communities, while another 50 counties would have 20 offenders or less, Mr. Mohr said.

"I think this budget offers a sea change in what I've experienced in 43 years. I think it utilizes evidence; it utilizes what we've known to be effective," Mr. Mohr said.

Since Mr. Mohr's career with DRC began in 1974, he said the prison population has increased from about 8,300 to more than 50,000. Drug commitments have increased from 13% of the intake then to 28.2% today.

Over that same time, the DRC's staffing levels increased from 5.2% of all state employees to 25%.

"Along with those numbers go resources," he said, noting DRC's budget is now about \$1.7 billion annually.

The diversion program, Mr. Mohr said, has the potential to save at least \$20 million over the biennium.

Rep. Doug Green (R-Mt. Orab), however, raised concern about the impact the program could have on already overcrowded county jails across the state.

"The folks that we're talking about here, their primary sanction should not be to spend time in jails," Mr. Mohr said.

Rep. Alicia Reece (D-Cincinnati) noted that it costs about \$71 per day to house an offender in prison, and through the pilot program, participating counties have been receiving about \$23 per day per offender. She said she worries that the diversion program will be a financial burden on counties.

Mr. Mohr said once the program is implemented statewide, the figure sent to counties will increase slightly. He also said local governments have the ability to be more practical about spending.

Rep. Tom Patton (R-Strongsville) said he supports keeping low-level offenders out of the prison system, but expressed doubt that judges would get on board with the program, especially those that liked to be seen as "tough on crime" for electoral purposes.

"I'm assuming there's going to be a great deal of pushback," he said.

"I believe judges want to do the right thing. I trust judges. I want to enhance discretion in all cases," Mr. Mohr replied.

In addition to the diversion program, Mr. Mohr also detailed an effort to increase educational attainment in prison through a program that provides any inmate that completes a GED program while incarcerated with 90 days credited toward their sentences.

"It is well documented that educational attainment is directly correlated to recidivism reduction," he said. "In fact, we know if an inmate completes a GED or high school equivalency they are significantly less likely to recidivate."

Department of Youth Services: Director Harvey Reed also outlined his agency's ongoing efforts to hold down incarceration rates through community-based programming.

Mr. Reed said that for every dollar spent through the Reasoned and Equitable Community and Local Alternatives to Incarceration of Minors program, the state saved as much as \$57 compared to incarceration. (Redbook)

"The funding provided in this budget will allow us to continue to support this highly effective and fiscally responsible programming," he said.

While focusing on community-based programming as an alternative to incarceration, Mr. Reed said DYS has scaled down from six juvenile correctional facilities in 2010 to just three in 2016, with an average daily population of 500, plus another 300 on parole.

The decrease in population, however, has brought its own challenges, Mr. Reed said.

"This population decrease in our facilities has limited our ability to draw down federal funding for education services," he said. "This budget provides an increase of GRF dollars toward education to continue to offer a wide array of educational opportunities for our youth in facilities."

Chairman Rep. Rob McColley (R-Napoleon) questioned the director on DYS' female population, 100% of which, Mr. Reed said, have a mental health diagnosis.

Mr. Reed said most of the girls in the DYS system have been victimized in some way. Some, he said, have been exposed to violence, human trafficking or both, and many became mothers at a young age.

"Most of our courts try everything they possibly can before they send them to us," he said.

House Speaker Names Task Force Chairs

House Speaker Cliff Rosenberger on Tuesday announced the lawmakers who will chair his five task forces on various policy issues.

The panels, which will begin holding interested party meetings in April or May, could make recommendations to standing committees, the speaker said.

The panels include:

- Speaker's Task Force on Alzheimer's and Dementia: Rep. Dorothy Pelanda (R-Marysville), chair
- Speaker's Task Force on HOPES (Heroin, Opioids, Prevention, Education and Safety): Rep. Robert Sprague (R-Findlay), chair
- Speaker's Task Force on Energy Policy: Rep. Bill Seitz (R-Cincinnati), chair
- Speaker's Task Force on Education and Poverty: Rep. Bob Cupp (R-Lima), chair
- Speaker's Task Force on BRAC and Military Affairs, Rick Perales (R-Beavercreek), chair

"These various task forces will provide us the opportunity to dive deeper into subject matters that affect Ohioans all across the state," Speaker Rosenberger said. "Each of them will work to find solutions to some of Ohio's most pressing issues and will collaborate with experts and interested parties to increase our understanding of these topics in order to forge a productive pathway forward."

Reps. Pelanda and Sprague have recently announced runs for statewide office, and Rep. Seitz already chairs the House Public Utilities Committee.

Other task force members and meeting schedules will be announced at a later date, the House Republican Caucus said.

Governor's Appointments

Sewage Treatment System Technical Advisory Committee: Matthew Lane of Columbus for a term beginning March 14, 2017 and ending December 31, 2018.

Miami University Board of Trustees: Rod Robinson of Mason for a term beginning March 14, 2017 and ending February 28, 2026.

Cleveland Municipal Court, Housing Division: Ronald J. O'Leary of Cleveland will assume the bench on April 10, 2017, and must run in November 2017 to retain the seat for the remainder of the unexpired term, which ends January 1, 2020. He replaces Judge Raymond L. Pianka, who passed away.

Attorney General's Opinion

No. 2017-007. Requested by Mahoning County Prosecuting Attorney Paul J. Gains.
SYLLABUS:

R.C. 505.60(D) does not authorize a board of township trustees to reimburse a township officer or employee for out-of-pocket premiums attributable to health care coverage otherwise obtained for the officer or employee's immediate dependents when the officer or employee elects to participate in the township's health care plan, but elects not to participate in the township's health care plan for his immediate dependents.

Supplemental Agency Calendar

Thursday, March 16

Criminal Sentencing Commission, Rm. 101, 65. S. Front St., Columbus, 10 a.m.

Tuesday, March 21

Air Quality Development Authority, 50 W. Broad St., Suite 1718, Columbus, 9:30 a.m.

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.



House Activity for Tuesday, March 14, 2017

INTRODUCED AND REFERRED

HB 118 ■ **PROPERTY TAX COMPLAINTS** (Merrin, D.) To expressly prohibit the dismissal of a property tax complaint for failure to correctly identify the property owner. Am. 5715.19
Ways & Means

INTRODUCED

HB 126 ■ **KINSHIP CAREGIVERS** (Boyd, J., Rezabek, J.) To require a region-based kinship caregiver navigator program. Am. 5101.80, 5101.85, 5101.851, and 5101.853; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5101.852 (5101.856) and 5101.853 (5101.854); and to enact new sections 5101.852 and 5101.853 and section 5101.855

HB 127 ■ **STEEL WELDING** (Perales, R., Dever, J.) To establish in the Ohio Building Code requirements pertaining to structural steel welding and bridge welding. Am. 3781.21

HB 128 ■ **BUILDING INSPECTIONS** (Roegner, K.) To permit a general contractor or owner of specified buildings to enter into a contract with a third-party private inspector or a certified building department for building inspection and to make other changes relating to building inspections. Am. 121.083 and 3781.10 and to enact sections 3781.181 and 3781.182

HB 129 ■ **EDUCATION EXTERNSHIP** (Smith, K., Kelly, B.) To require the Governor to complete a forty-hour externship consisting of on-site work experience in city, local, and exempted village school districts in the 2017-2018 and 2018-2019 school years.

CALENDAR FOR COMING SESSION

HB 6 ■ **CRIMINAL RECORDS** (Barnes, J.) To prohibit a person who publishes or disseminates criminal record information from soliciting or accepting a fee to

remove, correct, modify, or refrain from publishing or otherwise disseminating the information and to provide criminal and civil remedies for a violation of the prohibition.

REFERRED

Community & Family Advancement:

HB 115 ■ **COMMUNICATION DISABILITIES** (Gavarone, T., Wiggam, S.) To establish a database of persons who voluntarily register as being diagnosed with a communication disability or who voluntarily register a minor child or ward as the parents or guardians of such persons for purposes of law enforcement notification.

HB 119 ■ **SNAP** (Henne, M., McColley, R.) Regarding eligibility and benefits under the Supplemental Nutrition Assistance program and the Medicaid program.

Criminal Justice:

SB 7 ■ **PROTECTION ORDERS** (Bacon, K., Manning, G.) To provide that service of a protection order or consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order if the person had actual notice of the order or agreement and the person recklessly violated its terms.

HB 109 ■ **PRISON TERMS** (Patmon, B.) To create specifications that impose an additional prison term on a felony offender who commits the offense against a disabled person or elderly person and a period of Department of Youth Services commitment on a delinquent child for felony act committed against a disabled or elderly person, for felony offenses that do not delineate enhanced penalties when a disabled or elderly person is the victim of the violation.

HB 117 ■ **OPIOID THERAPY** (Huffman, S., Brenner, A.) To establish a statewide pilot program for the provision of long-acting opioid antagonist therapy for offenders convicted of an opioid-related offense who will be released from confinement on supervised release, and to specify that the therapy is to be provided during both their confinement and their supervised release.

Economic Development, Commerce & Labor:

HB 113 ■ **UNION DUES** (Brinkman, T.) To prohibit any requirement that employees of private employers join or pay dues to any employee organization and to establish civil and criminal penalties against employers who violate that prohibition.

HB 120 ■ **PRECIOUS METALS** (Henne, M.) To make changes to the licensing and records requirements, exemptions, penalties, and other provisions of the Precious Metal Dealers Law.

Education & Career Readiness:

HB 108 ■ **FINANCIAL LITERACY** (Hagan, C., McColley, R.) To require one-half unit of financial literacy in the high school curriculum, to require the Chancellor of Higher Education to prepare an informed student document for each institution of higher education, to require the State Board of Education to include information on the informed student document in the standards and model curricula it creates for financial literacy and entrepreneurship, and to entitle the act the "Informed Student Document Act."

Financial Institutions, Housing & Urban Development:

SB 24 ■ **LOAN ACT** (Terhar, L.) To create the Ohio Consumer Installment Loan Act.

HB 106 ■ **NON-BANK ATMS** (Patton, T., Patmon, B.) To regulate nonbank automated teller machines.

HB 112 ■ **LEASE TERMINATIONS** (Gonzales, A.) To allow a tenant seeking inpatient treatment for substance abuse to terminate or fail to renew their lease.

Health:

HB 111 ■ **MENTAL HEALTH COMMITMENTS** (Carfagna, R., Ryan, S.) To authorize certain advanced practice registered nurses to have a person involuntarily transported to a hospital for a mental health examination.

Higher Education & Workforce Development:

HB 110 ■ **APPRENTICESHIP PROGRAMS** (Hagan, C., Dean, B.) To create a subprogram of the College Credit Plus Program that permits students to participate in certified apprenticeship programs.

State & Local Government:

SB 18 ■ **DAY DESIGNATION** (Thomas, C.) To designate September 12 as "Jesse Owens Day."

SB 27 ■ **MONTH DESIGNATION** (Beagle, B.) To designate the period beginning March 13 and ending April 15 as "Ohio Deaf History Month."

HB 121 ■ **PIPE MATERIALS** (Edwards, J.) To require a public authority to consider all piping materials that meet the engineering specifications for a state-funded water or waste water project.

Transportation & Public Safety:

HB 107 ■ **TRAIN CREWS** (Sheehy, M., Lepore-Hagan, M.) To require the crews of freight trains to consist of at least two individuals.

Ways & Means:

HB 105 ■ **WELL FUND (Cera, J., Hill, B.)** To limit the amount of revenue that may be credited to the Oil and Gas Well Fund and to allocate funds in excess of that amount to local governments, fire departments, and a grant program to encourage compressed natural gas as a motor vehicle fuel.

HB 116 ■ **SALES TAX (Merrin, D.)** To exempt prescription eyeglasses, contact lenses, and other optical aids sold by licensed dispensers from sales and use tax.

COMMITTEE HEARINGS

Economic Development, Commerce & Labor

HB 2 ■ **CIVIL RIGHTS LAWS (Seitz, B.)** To modify Ohio civil rights laws related to employment. (CONTINUED; 5th Hearing-All testimony)

Neil Klingshirn, an attorney representing Protecting Ohio's Employees and the Ohio Employment Layers Association, testified in opposition, saying he had reviewed the bill from the employee and employer perspective.

Mr. Klingshirn said the state's individual liability law has been in place for more than two decades and has worked well over that time. "If it's not broken, don't fix it," he said.

He told the panel that the existence of individual liability hasn't been an issue for his business or the businesses operated by other family members. He said that having supervisors who are personally responsible for their behaviors can help bring them in line.

The witness also doesn't agree with previous assertions that the change would align Ohio law with federal provisions, he said. Common law would only protect employees in cases when there is actual assault or battery.

The witness told Rep. Michele Lepore Hagan (D-Youngstown) that the bill removes an important remedy that is currently available to employees.

Rep. Dave Greenspan (R-Westlake) sought to clarify who the witness was representing.

Mr. Klingshirn said he represents both businesses and employees. "I don't think it's an us versus them perspective," he said.

He added that the bill could reduce business' ability to discipline problematic supervisors, and told **Rep. Michael Sheehy** (D-Oregon) that employees are the most harmed by the proposal.

"If you want to score the bigger loser, it's probably the employee," he said.

Responding to **Rep. Dick Stein** (R-Norwalk), Mr. Klingshirn said some employers might be hesitant to discipline employees even though they might be abusing others. "Not all employees are as good as you want them to be," he said.

Mr. Klingshirn said employees who are abused are regularly reluctant to come forward, adding that they often just want a resolution to a problematic situation.

The witness told Chair **Rep. Ron Young** (R-Leroy) that complaints are regularly settled before going to jury, and added that those settlements are often global in nature.

Colleen Dempsey, a practice associate representing the National Association of Social Workers Ohio Chapter, also opposed the bill. She said she has seen the impact that a having

a job can have on a person's life, and said the state should do what it can to protect and expand policies that minimize the potential for discrimination.

Ms. Dempsey said the bill "will take Ohio in the wrong direction." Passing the measure, she said, could result in more people being out of work, something that could further strain the state's human services safety net.

Liz Burrell, state legislative chair of the Ohio Federation of Business and Professional Women, also testified in opposition.

She said the proposal threatens to undo a significant amount of progress, and could have a negative impact on women in the working world.

Ms. Burrell said any measure that weakens women's ability to address workplace discrimination or harassment is "wrong and counterproductive."

She added that while businesses have said the current legal climate could discourage businesses from coming to Ohio, enactment of the bill could also make it less likely that women would move to the state.

HB 42 **UNSAFE TIRES (Sprague, R., DeVitis, T.)** To prohibit the installation of unsafe used tires on certain motor vehicles. (CONTINUED (No testimony); 4th Hearing-All testimony)

Finance: State Government & Agency Review Sub.

The subcommittee fielded budget (**HB 49**) testimony from two representatives of city interests and Tax Commissioner Joe Testa. Along with detailing his agency's operational budget request, the state's tax chief provided an outline of the governor's plans to centrally administer municipal business taxes.

For Mr. Testa, it was his third opportunity to defend the plans for business net profits taxes before a House committee reviewing the budget. He made similar comments previously to the full Finance Committee and the Ways & Means Committee.

And for city interests, including the Ohio Municipal League, Tuesday's hearing provided another forum for criticizing the plan to centrally collect and disburse cities' business income taxes and eliminate a controversial "throwback rule" regarding how sales impact net profits. (See **Gongwer Ohio Report, February 7, 2017**)

Tina Timberman, income tax administrator for the city of Athens, objected to both of those key changes (**Testimony**), which Mr. Testa acknowledged were driven largely by the goals of simplifying the state's municipal tax system and improving Ohio's business climate.

"The City of Athens has lost \$3.5 million dollars in funding from cuts in the local government fund and elimination of the Estate Tax and Personal Property Tax. Last year, for the first time in 30 years, the City of Athens had to ask for a permanent general revenue tax increase to help repair the city's aging infrastructure and replace much needed safety personnel," Ms. Timberman said.

Characterizing policy changes in Columbus that have impacted local revenues as "death by a thousand cuts," she said losing more revenue through the budget provision would just exacerbate the city's financial squeeze.

She also questioned the centralized collection plan, saying every accountant in Athens she had spoken to about the proposal was opposed given the direct service they receive from the city in terms of tax processing.

"The relationship between local accounting offices and local municipal tax offices is very beneficial to all parties. With just a short phone call or email, we are able to help the accountants with questions, provide available credits, forms, and I even provide a yearly training update for them," she said. "In return, they are always there to help us when we need required documents or have questions on a tax filing. Any accountant in our area can pick up the phone, call me and most times have the issue resolved within 5 minutes or less." Ms. Timberman also questioned whether the proposal had been sufficiently vetted, and the functionality of the Ohio Business Gateway, the online system that would handle the rerouted tax filings. "Not only is the new OBG system not completed, but it is currently behind schedule," she said.

"What is business friendly about mandating an accountant or business to use a non-user friendly system to file their return because the State wants them to? Isn't building a user-friendly system for them to try if they choose more business-friendly?"

Prior to Mr. Testa's presentation, Deputy Tax Commissioner Marjorie Kruse disputed several points in the Athens official's testimony, saying for one that it is not true that the state issues tax refunds then audits businesses later.

Personal income tax refunds are not automatically issued, she said, adding that to get a refund, businesses have to submit supporting documentation.

Ms. Kruse also said that the state has a "robust" system for handling delinquencies and that there are no changes in the bill regarding how net profits are determined.

Aside from laying out his agency's operating budget plans (Testimony; Redbook), Mr. Testa largely echoed his prior testimony in Ways & Means in explaining the thrust of the municipal income tax plan and responding to criticisms. (See Gongwer Ohio Report, March 9, 2017) Rep. Theresa Gavarone (R-Bowling Green), along with other members of the subcommittee, spoke to concerns she had heard from cities about the plan. Among those are the purported cost benefits, which some cities said they won't realize because they do the tax work in-house. She asked if compliance with the centralized administration could be made voluntary for businesses.

Mr. Testa said the administration had statistics showing that out of 96 variously sized cities, only four currently have administration costs less than the 1% proposed by ODT. About half of all Ohio municipalities use third-party processors and pay 2% or higher, he said.

As far as making the state-level filings voluntary, Mr. Testa said a mandatory system is necessary to achieve an economy of scale, and allowing businesses to opt out would diminish the goal of uniformity with the plan.

Responding to questions on whether the OBG system would work effectively, he pointed to several other taxes that are currently administered through the OBG and again rejected claims that the system was fraught with issues. He said if that was the case, he wouldn't have proposed upgrading OPBG to handle the next profits taxes.

Chairman Rep. Keith Faber (R-Celina) questioned whether eliminating the throwback rule would cause filing complications for businesses because they would have to differentiate sourcing details. "It seems to be a complicated mess," he said.

Mr. Testa said OBG could handle that facet of the filing, adding that the proposal came from the business community, "so clearly they have weighed that out."

Responding to questions about whether businesses that only operate in one city could just keep filing there, Mr. Testa said that business model is not prevalent today.

Mr. Testa repeatedly maintained that the new system would benefit both the taxpayers and the cities. At one point, **Rep. Jim Butler** (R-Oakwood) questioned why municipalities weren't more supportive.

Acknowledging he knew of no cities that supported the budget provisions, the tax commissioner said, "That's a good question."

Mr. Testa told Mr. Butler the administration has no plans to expand the centralized municipal tax collections beyond the business tax, but Chairman Faber said he's also heard complaints about employee withholdings. The chairman was told that is not as big an issue for businesses because many have third-party processors do that work or use automated software to figure out the nuances of the different jurisdictions.

Rep. Brigid Kelly (D-Cincinnati) asked about how other states handle muni income taxes.

Mr. Testa said only 17 states allow cities to levy income taxes and "they're all easier than Ohio" for businesses to navigate. Ohio has a "very, very complex system," he said.

Rep. John Patterson (D-Jefferson) said he had spoken to cities in his district and "every single one of them said to fight this."

Citing revenue hits due to the elimination of estate taxes, cuts to the Local Government Fund, etc., the lawmaker said, "We have municipalities that feel they are backed into a corner."

He questioned whether enough had been done to get cities' feedback before the plan was rolled out. "I am very sympathetic to their feelings of being overrun by the state," he said.

Commenting on another concern Rep. Patterson said has been raised by cities, the tax commissioner said "there is no evidence to support" that the state won't return all the money to cities that is due." Mr. Testa said the state already routinely disburses other kinds of taxes to local jurisdictions.

Rep. Faber asked about reports of OBG "glitches."

While the system, which is undergoing upgrades, could use some additional functionality, Mr. Testa said it's not as bad as critics have depicted. "It's certainly not problematic" and "causing shutdowns," he said, adding that the system wasn't designed with as much functionality as the agency would like to see in some regards.

OBG's performance and functionality were subjects for discussion during a separate committee hearing Tuesday. (*See separate story*)

Speaking to ODT's budget request and Redbook data, **Rep. Dan Ramos** (D-Lorain) prompted some apparent consternation from the tax commissioner when he asked why, if staff had been reduced 30% since 2011, had the overall budget continued to rise.

"You've got to be kidding me," Mr. Testa replied, saying the annual increases were below inflation and the agency was forced to cover rising costs due to state employee contracts, facilities and other factors. "3.2% over eight years sir. That's not even inflation."

Mr. Ramos attempted to follow up, but Mr. Testa said he had already answered the question.

The lawmaker then departed the hearing room.

Josh Brown, testifying on behalf of Ohio Municipal League Executive Director Kent Scarrett, reiterated the group's opposition to the municipal income tax provisions in the budget. (See Gongwer Ohio Report, March 7, 2017)

"On behalf of our 734 members, the nearly 9 million Ohioans who call a city or village home and the businesses who choose to locate within our municipal boundaries, of every size and variety, we ask that the issues related to changes to ORC 718 and the municipal income tax be removed from HB49, so that these items can receive additional study and better solutions can be explored to address existing weaknesses in the administration of this critical revenue source to Ohio's economic engines," he said.

Ways & Means

HB 74 **COLLEGE SAVINGS (Huffman, S., Gavarone, T.)** To increase the maximum income tax deduction for contributions to the state's 529 college savings program from \$2,000 to \$3,000 per beneficiary per year.
(CONTINUED; 1st Hearing-Sponsor)

Rep. Theresa Gavarone (R-Bowling Green) said the current individual income tax deduction amount for CollegeAdvantage 529 savings plans has not been changed in nearly two decades. In response to that, the bill would raise that amount from \$2,000 to \$3,000. She said the 529 program added 10,000 direct plan accounts between calendar year 2015-2016. Among those accounts, 30% of contributions were of at least \$1,000.

"We believe if the legislature wishes to emphasize the importance of higher education, along with vocational and technical training, it is imperative we continue to encourage the growth and increased number of contributions to 529 plans," Rep. Gavarone said. "By doing so, the General Assembly will continue to ensure the next generation of Ohioans will have the opportunity to pursue a form of secondary education and be prepared for the ever-changing job market."

Rep. Steve Huffman (R-Tipp City) said the bill proposes a "small way to tell the people you need to invest in your children, your grandchildren, and their future."

Rep. Michael Henne (R-Clayton) questioned whether data exist to show the income levels of those using 529 plans. Rep. Huffman said he believes they are utilized by people at all economic levels.

To that, Rep. Dan Ramos (D-Lorain) asked for more information to be provided in the future about the number of those making maximum contributions. Knowing that, he said, could theoretically tell lawmakers how many people would be helped by the bill.

Answering Rep. John Becker (R-Union Twp.), Rep. Huffman said he's open to increasing the threshold by a larger amount and that the \$3,000 limit "was not a magic number based on anything other than being a 50% increase." A Senate bill (**SB 5**) proposes increasing the threshold to as much as \$10,000.

Rep. John Rogers (D-Mentor-on-the-Lake) agreed members should consider a larger increase.

But Rep. Gary Scherer (R-Circleville) urged caution, saying an increase to \$10,000 could incentivize participants to "wash" funds through the 529 plans immediately before paying higher education expenses in order to garner a tax break.

Under the current level and the proposed \$3,000 threshold, he said, the gain would amount to \$50 or \$100 and would not be worth the hassle. But that benefit would increase the higher the threshold was raised, he said.

SB 9 **SALES TAX HOLIDAY (Bacon, K.)** To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes. (CONTINUED; 1st Hearing-Sponsor)

Sen. Kevin Bacon (R-Minerva Park) reviewed his bill, which would again establish a three-day sales tax holiday on school supplies and some clothing for the first weekend in August. In testimony echoing his remarks previously before a Senate committee, he said the holiday would provide families with a needed tax break and stimulate economic activity. He also reiterated the need for timely passage of the bill.

"For timing reasons, I introduced this legislation because it must be passed in both the Senate and House and signed by the governor before May 1 in order to be effective for the first weekend of August and for it to be in compliance with the streamline sales and use tax agreement," he said.

Rep. Doug Green (R-Mt. Orab), calling the holiday a "win-win," asked when it would be appropriate to make the holiday an annual occurrence. Sen. Bacon explained that he's long pushed for that but there has been hesitancy from the Department of Taxation.

"I as much as anyone else would like to make this permanent," Sen. Bacon said.

Responding to Rep. Scherer, Sen. Bacon said the retail industry has not pushed for clarification on whether athletic clothes that could pass for everyday wear would be eligible for the holiday. Sen. Bacon said the bill currently relies on existing definitions under the state's tax code, which does not address that issue.

Rep. Wes Goodman (R-Cardington) questioned whether there is a mechanism retailers can use to better track sales during the holiday. Sen. Bacon said that question may be better addressed to retailers when they appear to testify before the committee.

Rep. Ramos, who said he's been supportive of the bill in the past, repeated his reservations from previous years that the holiday may negatively impact low tax counties such as Lorain. "We'll ask and try to get back to you," Sen. Bacon replied. "I do know we have a positive effect across state lines...where we have seen higher results in bordering counties. Whether there is a big difference between counties I honestly can't answer that question at this time."

Subscribers Note: For full testimony see the [committee's website](#) under March 14.

Finance: Health & Human Services Sub.

The committee heard testimony on Medicaid and Mental Health and Addiction Services issues. (See separate stories)

Subscribers Note: For full testimony see the [committee's website](#) under March 14.

Finance: Higher Education Sub.

(See separate story)

Finance: Transportation Sub.

(See separate story)

Public Utilities

HB 114 **RENEWABLE ENERGY (Blessing, L.)** To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program. (CONTINUED (See separate story) (Referred earlier); 1st Hearing-Sponsor-Pending referral)

Subscribers Note: For full testimony see the committee's website under March 14.
Criminal Justice

HB 63 **PRISON TERMS (Hughes, J.)** To require an additional prison term for felonious assault of 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, or 20 years if the offender also is convicted of a specification that charges that the harm caused by the violation resulted in a permanent, serious disfigurement or substantial incapacity or that the offender used an accelerant in committing the violation and to name the act's provisions "Judy's Law." (CONTINUED; 2nd Hearing-Proponent)

Bonnie Bowes, the mother of Judy Malinowski, the woman whose 2015 assault when she was doused with gasoline and set on fire prompted the legislation, spoke in support of the bill.

Ms. Bowes said her daughter continues to suffer, and will never be able to live an independent life.

"The suffering is nothing that I would ever expect any of you to understand," she said in emotional testimony.

Proponents also showed a video of Ms. Malinowski in a hospital bed urging lawmakers to pass the bill.

Franklin County Prosecutor Ron O'Brien also spoke in support, saying there were examples of other cases where the victim was disfigured or suffered permanent incapacity, but where the law did not provide for specifications to enhance the penalty.

Mr. O'Brien said the specification is a better approach than creating a new offense because it can apply to all victims.

"Between the two, my preference is a specification and having it deal with all victims, not just minor victims," he said, referencing similar legislation (**HB 30**) targeting attacks on children.

Tess DeNiro, a victim witness assistant in the Franklin County Prosecutor's Office, also testified, saying disfigurement also causes long-term emotional damage.

"These victims are constantly and permanently reminded of the fear and of the pain they have had to endure," she said. "Their struggle to heal is not just internal, and drastically affects their daily lives as well as their quality of life."

HB 92 **PUBLIC INDECENCY (Schaffer, T.)** To require an offender who knowingly commits the offense of public indecency under certain circumstances involving exposure of private parts likely to be viewed by minors and for the purpose of sexual arousal or gratification to register as a Tier I sex offender/child-victim offender. (CONTINUED; 1st Hearing-Sponsor)

Sponsor **Rep. Tim Schaffer** (R-Lancaster) said the bill stems from recent cases, including one in Fairfield County in which a man was arrested for exposing himself to children on passing school buses.

The bill would require offenders who knowingly commit public indecency likely to be viewed by minors and for the purpose of sexual arousal or gratification to register as Tier I sex offenders.

The measure requires that the offender must knowingly commit the offense, meaning it would not apply to people who accidentally do so.

"Law enforcement has told me that public indecency can be a 'gateway' offense, which can be an early sign that the offender is capable of more violent crimes," he said. "Sure enough, the offender in the Baltimore case later had a violent encounter with police, which is detailed in the document provided to the committee."

HB 96 **SEX OFFENSES (Hughes, J.)** To increase the penalty for sexual imposition when the offender previously has been convicted or pleaded guilty three or more times of any of several specified sex offenses and to repeal the corroboration requirement for a sexual imposition conviction. (CONTINUED; 1st Hearing-Sponsor)

Sponsor **Rep. Jim Hughes** (R-Columbus) said the bill is a reintroduction of one from the last session (SB316, 131st General Assembly).

Rep. Hughes said he introduced the bill in response to a Columbus offender who was repeatedly caught fondling women in public places.

"People are asking me why this lawbreaker isn't locked up for longer periods of time, especially since it appears that his short stints in jail are not teaching him that his behavior is not acceptable in society," Rep. Hughes said.

The bill would specify that the third conviction and any subsequent convictions for sexual imposition would be elevated to unclassified misdemeanors punishable for up to 365 days in jail.

Rep. Jeff Rezabek (R-Clayton) asked why the bill would make it an unclassified misdemeanor instead of a felony.

Rep. Hughes said the lower-level felonies can often carry a sentence of probation, and the goal is to ensure the offender is in jail.

"My goal is to get this person off the streets," he said.

Answering a question from Chair **Rep. Nathan Manning** (R-N. Ridgeville), Rep. Hughes said the bill makes it an unclassified misdemeanor to give judges flexibility in sentencing.

SB 25 **PERRY COUNTY COURT (Hottinger, J.)** To create the Perry County Municipal Court in New Lexington on January 1, 2018, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017 and to declare an emergency. (CONTINUED; 2nd Hearing-Proponent-Possible amendment)

Perry County Judge Dean Wilson testified in support of the bill, saying the caseload has increased during his 27 years in the position. The additions of two new mayor's courts and a drug court program have added to the work, he said.

Rep. Bill Patmon (D-Cleveland) asked if he noticed when the caseload started to increase.

Judge Wilson said the increase happened around 2012, with both the drug epidemic and changes to felonies driving it.

"In 2012 the cases just exploded," he said. "That has continued with the heroin epidemic."

Federalism & Interstate Relations

HJR 2

CONSTITUTIONAL CONVENTION (**Hagan, C., Patmon, B.**) Application to the Congress of the United States for a Convention of the States under Article V of the Constitution of the United States that is limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and Members of Congress. (**CONTINUED**; 2nd Hearing-Proponent)

Mark Auckerman, a retired small business owner from Springfield, testified in support, saying his business and others have suffered as a result of overreaching federal regulations.

He said federal officials continued to place new regulations on home medical equipment providers with no apparent care for how the changes would impact those who need services and the industry that provides the services.

He said the regulations - including regular audits - were like a "wet blanket" on the company's ability to grow.

Mr. Auckerman said the industry was heard at the state level, but couldn't get an audience with federal officials.

The witness told **Rep. Scott Lipps** (R-Franklin) that there didn't appear to be any consideration of service quality when it came to federal regulation, adding that at some point, the federal government is going to have to pay its bills.

Rep. David Leland (D-Columbus) said one of the proposals tied to the resolution is a balanced budget amendment, which, if enacted, could reduce funds available for home medical equipment services.

Mr. Auckerman said his key issue wasn't with the cost cutting, but it was focused more on the regulatory burdens.

Michael Gross, who is involved the third generation of a family-run business, also detailed struggles he said the company has had in complying with new and complex federal regulations.

He said federal officials don't need to intrude into state operations, noting that there are many similar and duplicative state and federal standards, such as minimum wage.

Mr. Gross added that he has fears about the rising federal debt, and is concerned about future generations having to retire that debt.

Steve Stechschulte, Ohio state director of the Convention of the States project, also testified in support.

Rep. Paul Zeltwanger (R-Mason) said he is pleased to see citizens taking an active role in government decisions, but asked for more information about how the delegate process would work and whether rules could be changed during the convention process.

Mr. Stechschulte said Ohio's representatives would be under the control of the General Assembly and the process by which delegates would be selected would be up to lawmakers. He said Indiana's resolution regarding a convention includes strict instructions, and subjects delegates who stray from their instructions to felony charges.

Rep. Leland also said it there seems to be a lack of details for how a convention would work after it is established. "What we're talking about here is changing the most important document in the history of the United States of America," he said.

Mr. Stechschulte said there are a number of precedents for multi-state conventions, and added that the convention would have no authority to make changes in that it could only propose changes to the states.

The witness told **Rep. John Becker** (R-Union Twp.) that the precedent is that each state would have a single vote at the convention.

Tom Coburn, a former U.S. Senator from Oklahoma, also urged members to approve the resolution, saying it is important that a convention be called to address the federal budget situation.

"But we must go further than simply balancing our federal budget," he said. "We, the people, must impose additional restraints upon career politicians in DC who will never be inclined to restrain their own power."

"Americans have seen a steady, unbroken trend of greater and greater centralization of power in our nation's out-of-touch capitol. We are not only overtaxed but overregulated. Unelected bureaucrats created more than 81,000 pages of rules and regulations last year. Onerous regulations of this magnitude often kill jobs by causing businesses to move overseas. They can also serve as an impediment to new businesses that would otherwise create jobs for Americans who desperately need them. Even if the Trump administration slows down regulation, it will only be a temporary reprieve."

Mr. Coburn said the nation's founders established the convention as a "safe and effective" way to address problems.

Subscribers Note: All testimony is available on the [committee's website](#) under March 14. **Education & Career Readiness**

HB 80 **SUMMER FOOD PROGRAM** (**LaTourette, S., Smith, K.**) To require school districts to allow approved summer food service program sponsors to use school facilities to provide food service for summer intervention services under certain conditions. (**REPORTED-AMENDED (See separate story); 2nd Hearing-All testimony-Possible amendments & vote**)

HB 98 **CAREER INFORMATION** (**Duffey, M., Boggs, K.**) Regarding the presentation of career information to students. (**CONTINUED; 1st Hearing-Sponsor**)

Joint sponsor **Rep. Mike Duffey** (R-Worthington) said the measure would permit universities, trade schools, employers, and military recruiters to present information at least twice each year to students in grades 9-12.

He said the idea for the bill came to him after learning from Ohio State University Wexner Medical Center and Ohio State Building and Construction Trades Council representatives they both were having trouble filling roles that did not require college degrees. Ohio's only current standards regarding student access is that districts can't prohibit military recruiters from meeting with students any more than they can other types of recruiters, Rep. Duffey said.

"Schools may completely refuse to offer access to students and there is no appeals process. As a result, various recruiters may have simply given up trying to get access to talk to high school students. This is an unacceptable minimum standard," he said.

Joint sponsor **Rep. Kristin Boggs** (D-Columbus) said the law change would be beneficial for students who many not be interested in pursuing education beyond high school.

"If that person has information on other pathways that will lead to productive and lucrative careers in the construction trades, health care, technology, or transportation, it could have a significant impact on their ability to achieve success," she said.

"Poor access to career information coupled with a growing number of unfulfilled jobs in Ohio's skilled labor force has a negative impact on Ohio's economy," Rep. Boggs said. "By enacting HB98 we will be able to provide students with additional career opportunities and fill job vacancies as the need for skilled employees grows."

Rep. Duffey told Rep. Bob Cupp (R-Lima) that the bill would impact the school day and not after-school activities. A job fair or a table with information at lunch time would be acceptable forms of access, he added.

He said he'd be supportive of a parental-discretion amendment that would allow them parents to opt students out of receiving information from recruiters. **Rep. Teresa Fedor** (D-Toledo) said he's heard from a number of parents who don't want military recruiters speaking with their children.

Rep. John Patterson (D-Jefferson) questioned the logistics of requiring recruiters from an array of sectors two days of equal access to students and whether teachers feat that would take time away from instruction. Rep. Duffey said the bill has not been opposed by teacher groups.

17 S. High St., Suite 630
Columbus Ohio 43215
Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,
Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.

Daily Activity Planner for Wednesday, March 15

Legislative Committees

House Finance: Agriculture, Development & Natural Resources Sub. (Committee Record) (Chr. Thompson, A., 644-8728), Rm. 018, 9 a.m.

- **Public budget testimony**

House Health (Committee Record) (Chr. Huffman, S., 466-8114), Rm. 121, 9 a.m.

SB 23 DAY DESIGNATION (Terhar, L.) To designate January 31 as "Omphalocele Awareness Day." (1st Hearing-All testimony-Possible vote)

HB 45 MONTH DESIGNATION (Sprague, R.) To designate May as "Neurofibromatosis Awareness Month." (1st Hearing-All testimony-Possible vote)

HB 72 STEP THERAPY (Johnson, T., Antonio, N.) To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid. (1st Hearing-Sponsor)

HB 73 PHARMACY SALES (Rezabek, J., Koehler, K.) To prohibit sales of dextromethorphan without a prescription to persons under age 18. (1st Hearing-All testimony)

HB 101 EPINEPHRINE DISPENSING (Merrin, D.) To authorize an epinephrine autoinjector-substitution when a prescription is filled or refilled, to authorize epinephrine to be dispensed without a prescription under a physician-established protocol, and to declare the act the "Epinephrine Accessibility Act." (1st Hearing-Sponsor)

House Finance: Transportation Sub. (Committee Record) (Chr. McColley, R., 466-3760), Rm. 311, 9 a.m.

- **Testimony from Court of Claims, Public Defender and Department of Transportation**

House Transportation & Public Safety (Committee Record) (Chr. Green, D., 644-6034), Rm. 017, 9 a.m.

HB 76 LICENSE PLATES (Arndt, S., Gavarone, T.) To create the "Ohio National Guard Ohio Cross" license plate and the "Ottawa National Wildlife Refuge" license plate. (1st Hearing-All testimony-Possible vote)

HB 88 LICENSE PLATE (Anielski, M.) To create the "Cuyahoga Valley Career Center" license plate. (1st Hearing-All testimony-Possible vote)

HB 100 ROAD NAMING (Lipps, S.) To designate a portion of State Route 73 in Warren County as the "Officer Bill Johnson Memorial Highway." (1st Hearing-All testimony-Possible vote)

HB 71 LICENSE PLATE DISPLAY (DeVitis, T.) To specify that failure to display a license plate on the front of a motor vehicle that is required to display a front

license plate is a secondary traffic offense and to establish a maximum fine of \$100 for such an offense. (1st Hearing-Sponsor)

HB 95

DISTRACTED DRIVING (Hughes, J., Seitz, B.) To establish an enhanced penalty for committing a moving violation while distracted if the distraction is the apparent cause of the violation and to reenact provisions of law that specified that certain electronic wireless communications device violations were allied offenses of similar import. (1st Hearing-Sponsor)

HB 60

DRIVER'S LICENSES (Hambley, S., Rogers, J.) To authorize the issuance of an enhanced driver's license, enhanced commercial driver's license, and enhanced identification card to facilitate land and sea border crossings between the United States and Canada and Mexico, pursuant to an agreement with the United States Department of Homeland Security. (1st Hearing-Sponsor)

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), South Hearing Rm., 9 a.m.

SB 6

BRIDGE PROGRAM (Hoagland, F.) To extend the Ohio Bridge Partnership Program through the end of fiscal year 2019 and to require the Director of Transportation to submit a report to the Governor, Senate, and House of Representatives recommending ways to continue to fund the program. (3rd Hearing-Opponent & interested party)

HB 26

TRANSPORTATION BUDGET (McColley, R.) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs. (4th Hearing-All testimony)

Senate Government Oversight & Reform (Committee Record) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 9:45 a.m.

SJR 1

CONSTITUTIONAL AMENDMENTS (Huffman, M.) Application to the Congress of the United States for a Convention of the States under Article V of the Constitution of the United States that is limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and Members of Congress. (3rd Hearing-All testimony-Possible vote)

SB 62

DAY DESIGNATION (Yuko, K.) To designate July 8 as "Harrison Dillard Day." (3rd Hearing-All testimony-Possible vote)

HB 32

CASINO EMPLOYEES (Seitz, B.) To specify that the criminal penalty related to casino operators and employees participating in casino gaming applies at their casino facility or an affiliated casino facility. (3rd Hearing-All testimony-Possible vote)

HB 34

PUBLIC NOTICES (Hambley, S., Ryan, S.) To authorize certain state agencies, local governments, and other boards, commissions, and officers to

deliver certain notices by ordinary mail and electronically instead of by certified mail. (1st Hearing-Sponsor)

SB 88 **FISCAL EMERGENCIES (Terhar, L.)** To modify the composition and powers of the financial planning and supervision commission of a political subdivision that is in a state of fiscal emergency and to clarify the duties of that political subdivision. (1st Hearing-Sponsor)

SB 79 **AGENCY REVIEWS (Jordan, K.)** To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review. (1st Hearing-Sponsor)

House Insurance (Committee Record) (Chr. Brinkman, T., 644-6886), Rm. 116, 10 a.m.

HB 27 **BWC BUDGET (Brinkman, T.)** To make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs. (4th Hearing-All testimony-Possible amendments, substitute & vote)

HB 28 **IC BUDGET (Brinkman, T.)** To make appropriations for the Industrial Commission for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs. (3rd Hearing-All testimony-Possible amendments, substitute & vote)

House Government Accountability & Oversight (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 114, 10:30 a.m.

HB 18 **SPECIAL ELECTIONS (Pelanda, D., Retherford, W.)** To eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances. (1st Hearing-Sponsor)

HB 41 **VOTER REGISTRATION (Pelanda, D.)** To modify the law concerning challenges to voter registrations, the appointment of observers, and the procedures for processing absent voter's ballots and for casting absent voter's ballots in person. (1st Hearing-Sponsor)

HB 8 **RECORDS EXEMPTION (Hambley, S., Rezabek, J.)** To exempt from the Public Records Law certain information concerning a minor that is included in a record related to a traffic accident involving a school vehicle in which the minor was an occupant at the time of the accident. (1st Hearing-Sponsor)

HB 70 **FUEL TAX DISPLAYS (Merrin, D.)** To enact the "Fuel Tax Transparency Act" requiring stickers to be placed on retail service station pumps displaying the rates of federal and state taxes applicable to gasoline and diesel fuel. (1st Hearing-Sponsor)

House Higher Education & Workforce Development (Committee Record) (Chr. Duffey, M., 644-6030), Rm. 115, 11 a.m.

- Presentation from the Legislative Service Commission regarding Higher Education

Senate Rules & Reference (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

House Session (Committee Record) (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.

House Finance: State Government & Agency Review Sub. (Committee Record) (Chr. Faber, K., 466-6344), Rm. 017, 1:30 p.m. or after session

- Testimony from Department of Administrative Services, Department of Taxation (if needed) and public testimony

Senate Session (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

House State & Local Government (Committee Record) (Chr. Anielski, M., 644-6041), Rm. 122, 2:30 p.m. or after session

HB 39 **SNOW REMOVAL** (Arndt, S., Gavarone, T.) To authorize certain townships to require the removal of snow and ice from sidewalks abutting property. (3rd Hearing-All testimony-Possible vote)

HB 44 **DAY DESIGNATION** (Patmon, B.) To designate May 24 as First Responders' Appreciation Day. (2nd Hearing-All testimony)

HB 65 **SANITARIAN REVIEWS** (Hill, B.) To require the Director of Agriculture and the Director of Health to adopt rules governing reviews of registered sanitarians and sanitarians-in-training who conduct inspections of retail food establishments and food service operations. (3rd Hearing-Opponent & interested party)

HB 69 **TIF DISTRICTS** (Cupp, R.) To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district. (2nd Hearing-All testimony)

HB 84 **MONTH DESIGNATION** (Arndt, S., Patton, T.) To designate June as "Ohio Goes Boating Month." (2nd Hearing-All testimony)

HB 94 **MONTH DESIGNATION** (Sykes, E., Perales, R.) To designate February as "Teen Dating Violence Awareness Month." (1st Hearing-Sponsor)

HB 103 **FISCAL PLANNING COMMISSIONS** (Reineke, B.) To modify the composition and powers of the financial planning and supervision commission of a political subdivision that is in a state of fiscal emergency and to clarify the duties of that political subdivision. (1st Hearing-Sponsor)

House Civil Justice (Committee Record) (Chr. Butler, J., 644-6008), Rm. 113, 2:30 p.m. or after session

HB 52 **DEED SOLICITATION** (Rezabek, J.) To regulate the solicitation of certain deeds. (3rd Hearing-All testimony-Possible amendments & vote)

House Finance: Health & Human Services Sub. (Committee Record) (Chr. Romanchuk, M., 466-5082), Rm. 313, 3 p.m. or after session

- **Public testimony on Developmental Disabilities, insurance and healthcare and Job & Family Services**
House Finance: Higher Education Sub. (Committee Record) (Chr. Perales, R., 644-6020), Rm. 311, 3 p.m. or after session
- **Budget testimony from Ohio Association of Career Colleges & Schools**
House Finance: Primary & Secondary Education Sub. (Committee Record) (Chr. Cupp, R., 466-9624), Rm. 121, 3 p.m. or after session
- **Budget testimony from Ohio Association of Charter School Authorizers; Ohio Coalition for Quality Education; Buckeye Charter School Boards; Ohio Commission on Service and Volunteerism and Coalition for Equity and Adequacy in School Funding**
Senate Education (Committee Record) (Chr. Lehner, P., 466-4538), South Hearing Rm., 3:15 p.m.
- **Superintendent Paolo DeMaria will give an overview of assessments**
House Armed Services, Veterans Affairs & Homeland Security (Committee Record) (Chr. Johnson, T., 466-2124), Rm. 116, 4 p.m.

HB 75 **PROFESSIONAL LICENSES** (Gavarone, T., Merrin, D.) To establish an expedited process to grant a professional license to an individual who is on active duty as a member of the armed forces of the United States, or is the spouse of such an individual, and holds a valid license in another state. (2nd Hearing-All testimony)

House Community & Family Advancement (Committee Record) (Chr. Ginter, T., 466-8022), Rm. 114, 4 p.m.

HB 50 **EBT CARDS** (Schaffer, T.) To establish requirements for electronic benefit transfer cards issued under the Supplemental Nutrition Assistance Program. (2nd Hearing-Proponent)

Agency Calendar

BWC Board of Directors, Rm. 3, Level 2, 30 W. Spring St., Columbus, 9 a.m. (The Audit Committee will meet from 9-10 a.m.; the Governance Committee 10-11 a.m.; the Investment Committee 11 a.m.-Noon; the Medical Services & Safety Committee 1-2 p.m.; and the Actuarial Committee 2-3:30 p.m. The Governance, Investment, and Actuarial Committee meetings may begin earlier if the preceding meeting adjourns earlier than scheduled.)

Casino Control Commission, State Room, Statehouse, Columbus, 10 a.m.

Petroleum Underground Storage Tank Release Compensation Board, Suite 1500, 50 W. Broad St., Columbus, 10 a.m.

Savings and Loan Associations & Savings Banks Board, Ohio Bankers League, 4125 Worth Ave., Columbus, 10 a.m.

Graduation Requirements Workgroup, 25 S. Front St., Columbus, 4 p.m.

Event Planner

News conference on launch of the FWD.us Ohio Coalition, Ladies Gallery, Statehouse, Columbus, 10 a.m.

Rep. Marlene Anielski (R-Walton Hills) fundraiser, OHROC, 21 W. Broad Street, Floor 7, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Friends of Marlene B. Anielski)

Sen. Sean O'Brien (D-Hubbard) fundraiser, Claddagh Irish Pub, 585 S. Front St., Columbus, 5 p.m., (Host - \$2,000; Sponsor - \$1,000; Friend - \$500 to Committee to Elect Sean J O'Brien)

Ohio Association of Community Colleges 2017 Legislative Reception, Statehouse Atrium, Columbus, 5 p.m.

Sen. Bill Coley (R-Liberty Twp.) fundraiser, Claddagh, 585 S Front St #100e, Columbus, 5 p.m., (\$1,000 Event Chair | \$500 Event Sponsor | \$350 per Person to Friends of Bill Coley)

Rep. Jim Hughes (R-Columbus) fundraiser, Plank's Caf, 743 Parsons Ave., Columbus, 5 p.m., (\$2,500, \$1,500, \$1,000 or \$350 to Committee for Jim Hughes)

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Melissa Dille, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

© 2017, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.

From: report@hannah.com
Sent: Tuesday, March 14, 2017 8:35 PM
To: DL_Hannah
Subject: Hannah News Stories for Tuesday, March 14, 2017

Tuesday, March 14, 2017

IN TODAY'S HANNAH REPORT:

Please click here to read the entire Hannah Report.

Today's Stories

- [Chairman Plans to Move Energy 'Goals' Bill Quickly](#)
- [State Auditors Issued 414 Citations for Public Records Violations in 2016](#)
- [Municipalities, Townships Seek Ability to Hike Vehicle License Fees](#)
- [Legal Groups Seek Further Expansion of CQE Eligibility](#)
- [Committee Makes Summer Food Bill Permissive, Hears Recruiter Access Measure](#)
- [Former U.S. Senator Portends Dire Consequences without Convention of States](#)
- [DRC, DYS Take Community Corrections Message to Subcommittee](#)
- [House Subcommittee Hears Public Testimony on Medicaid, Addiction Services](#)
- [Ohio Kids to 'Kick Butts' on March 15](#)
- [Ohio Attorney General Opinion](#)
- [Judicial Actions: Opinions](#)
- [Executive Actions: Judicial Appointment; Appointments](#)
- [Legislative Schedule Changes](#)

House Committee Reports

- [Criminal Justice](#)
- [Economic Development, Commerce and Labor](#)
- [Education and Career Readiness](#)
- [Federalism and Interstate Relations](#)
- [Finance Health and Human Services Subcommittee](#)
- [Finance Higher Education Subcommittee](#)
- [Finance State Government and Agency Review Subcommittee](#)
- [Finance Transportation Subcommittee](#)
- [Public Utilities](#)
- [Rules and Reference](#)
- [Ways and Means](#)

Senate Committee Reports

- [Health, Human Services and Medicaid](#)
- [Judiciary](#)
- [Rules and Reference Committee](#)

- Transportation, Commerce and Workforce

© 2017 Hannah News Service, Inc., Columbus, Ohio. Unauthorized redistribution or reproduction prohibited.

Hannah News Service, Inc. | 21 W. Broad Street, Suite 1000, Columbus, Ohio 43215 | 614.227.5820 | www.hannah.com

From: Donna S. Collins
Sent: Thursday, March 16, 2017 9:26 AM
To: Rep76
Subject: Update on the National Endowment for the Arts



Dear Colleagues,

Unfortunately, speculation that President Donald Trump would propose eliminating the National Endowment for the Arts (NEA) has proven to be true. In his official budget request, President Trump has asked the U.S. Congress to zero out the NEA's budget.

Although this news is disappointing, we are nowhere near the end of the road for the NEA or public support of the arts. Consider the following:

The President's budget request is just that, a request. Congress ultimately holds the constitutional authority to fund the NEA and the rest of the federal government.

Within Congress, the NEA has bipartisan support. Just last year, both the U.S. House and Senate proposed increases in NEA funding. The National Assembly of State Arts Agencies

(NASA) reports that Representative Ken Calvert, a Republican from Southern California, who chairs the subcommittee that handles the NEA budget, recently remarked to a Democratic NEA supporter: "As you know there's always been bipartisan support for these programs, and I suspect that there will be in the future, too."

Here in Ohio, your Ohio Arts Council (OAC) has traditionally enjoyed strong support from Governor John R. Kasich and the Ohio General Assembly. In his current budget proposal, Governor Kasich recommended maintaining state funding for arts grants at a historically high level. We are fortunate and grateful to have the backing of Ohio's elected officials to advance our mission to strengthen the arts in our state.

National Arts Advocacy Day is especially well-timed this year. On March 20-21—that's this coming Monday and Tuesday—arts supporters from across the nation will descend on Washington to make their voices heard. For more resources and information on how you can be an effective arts advocate, get in touch with our state's arts advocacy organization, Ohio Citizens for the Arts, or get involved at the federal level through Americans for the Arts.

Stay calm, remain strong, and be confident. The NEA has weathered these types of debates before, and together, the arts community will persevere.

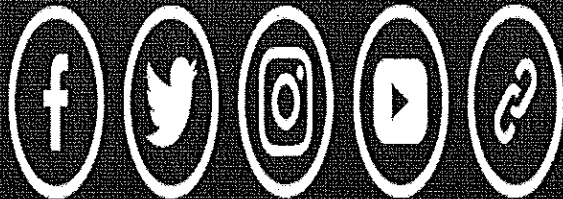
Until next time,

Donna A. Collins

Donna A. Collins, Executive Director of OAC

Donna A. Collins, Executive Director of OAC

Donna S. Collins
Executive Director
Ohio Arts Council



Copyright © 2017 Ohio Arts Council, All rights reserved.

You are receiving this special update from the Ohio Arts Council because your contact information has been included in past communications as a staff member, board member, grantee, partner, or event attendee.

Our mailing address is:

Ohio Arts Council
30 East Broad Street
FL33
Columbus, OH 43215

[Add us to your address book](#)

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#)

From: Bryan C. Williams
Sent: Friday, March 17, 2017 1:06 PM
To: Rep76
Subject: Prevailing Wage

Rep. LaTourette,

I write to encourage you to cosponsor Representative Roegner and Riedel's permissive local government exemption prevailing wage bill. This is a companion bill to SB 72.

Points to Consider

- Over 20 states have no prevailing wage mandate and the quality of their public buildings are no better or worse than in Ohio.
- Prevailing wage in Ohio is set by unions – not the state.
- Exempting public school construction from prevailing wage saved tax payers and property owners billions in dollars since 2000.
- Approximately 50% of OFCC construction projects are completed by union contractors – even though there is no prevailing wage on school construction.
- Prevailing wage is nothing more than an unfunded state mandate that requires higher construction costs and regulation.
- Since the state has dramatically reduced funds given to local governments, the least Ohio can do is permissively allow local governments to decide if they want to reduce their public construction costs.

Thank you for your consideration.

Bryan C. Williams
Director of Government Affairs
(614) 359-4846
bwilliams@abcofohio.org



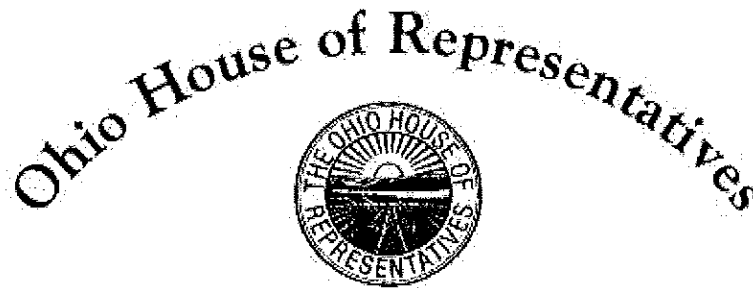
From: Springhetti, Blake

Sent: Monday, March 20, 2017 11:35 AM

To: House All

Subject: Co-Sponsor Request: Exempt State Employees Pay Portion of Dental, Vision, and Life

Attachments: Co-Sponsor Request - Requiring Exempt State Employees to Pay Healthcare Premiums.pdf



Representative Derek Merrin

47th District

MEMORANDUM

TO: All House Members

FROM: Representative Derek Merrin

DATE: March 20, 2017

RE: Co-Sponsor Request: Exempt State Employees Pay Portion of Dental, Vision, and Life Insurance Premiums

I will be introducing legislation that requires exempt state employees to pay a portion of their dental, vision, and life insurance premiums. Exempt state employees currently pay 15% of their premium for medical insurance – while paying 0% of the premium for dental, vision, and life insurance coverage. This legislation requires exempt state employees pay the same percentage for dental, vision, and life coverage as they pay for their medical insurance premium.

Key Facts:

- By having exempt state employees pay 15% of their dental, vision, and life premiums, taxpayers would save at least \$2.6 million annually.
- Legislation would impact about 16,400 exempt state employees.
- Legislation directs the state to seek the same provision when negotiating collective bargaining agreements that cover about 35,900 unionized state employees, which would save taxpayers an additional \$4.7 million annually.

If you would like to co-sponsor this legislation or have any questions, please contact my Legislative Aide, Blake Springhetti, at Blake.Springhetti@ohiohouse.gov or at (614) 466-1731 by **Tuesday, March 28 at 5:00 P.M.**

Sincerely,



Ohio House of Representatives



Representative Derek Merrin

47th District

MEMORANDUM

TO: All House Members

FROM: Representative Derek Merrin

DATE: March 20, 2017

RE: Co-Sponsor Request: Exempt State Employees Pay Portion of Dental, Vision, and Life Insurance Premiums

I will be introducing legislation that requires exempt state employees to pay a portion of their dental, vision, and life insurance premiums. Exempt state employees currently pay 15% of their premium for medical insurance – while paying 0% of the premium for dental, vision, and life insurance coverage. This legislation requires exempt state employees pay the same percentage for dental, vision, and life coverage as they pay for their medical insurance premium.

Key Facts:

- By having exempt state employees pay 15% of their dental, vision, and life premiums, taxpayers would save at least \$2.6 million annually.
- Legislation would impact about 16,400 exempt state employees.
- Legislation directs the state to seek the same provision when negotiating collective bargaining agreements that cover about 35,900 unionized state employees, which would save taxpayers an additional \$4.7 million annually.

If you would like to co-sponsor this legislation or have any questions, please contact my Legislative Aide, Blake Springhetti, at Blake.Springhetti@ohiohouse.gov or at (614) 466-1731 by **Tuesday, March 28 at 5:00 P.M.**

Sincerely,



Derek Merrin
Ohio House of Representatives
House District 47
Office (614) 466-1731
Derek.Merrin@ohiohouse.gov
77 S. High Street
Columbus, Ohio 43215

From: Rep76
Sent: Monday, March 20, 2017 12:50 PM
To: Ryser, Megan
Subject: FW: Prevailing Wage

From: Bryan C. Williams [mailto:bwilliams@abcofohio.org]
Sent: Friday, March 17, 2017 1:06 PM
To: Rep76 <Rep76@ohiohouse.gov>
Subject: Prevailing Wage

Rep. LaTourette,

I write to encourage you to cosponsor Representative Roegner and Riedel's permissive local government exemption prevailing wage bill. This is a companion bill to SB 72.

Points to Consider

- Over 20 states have no prevailing wage mandate and the quality of their public buildings are no better or worse than in Ohio.
- Prevailing wage in Ohio is set by unions – not the state.
- Exempting public school construction from prevailing wage saved tax payers and property owners billions in dollars since 2000.
- Approximately 50% of OFCC construction projects are completed by union contractors – even though there is no prevailing wage on school construction.
- Prevailing wage is nothing more than an unfunded state mandate that requires higher construction costs and regulation.
- Since the state has dramatically reduced funds given to local governments, the least Ohio can do is permissively allow local governments to decide if they want to reduce their public construction costs.

Thank you for your consideration.

Bryan C. Williams
Director of Government Affairs

(614) 359-4846

bwilliams@abcofohio.org



From: Ryser, Megan
Sent: Monday, March 20, 2017 1:07 PM
To: Rep76
Subject: RE: Prevailing Wage

The bill hasn't been dropped yet.

From: Rep76
Sent: Monday, March 20, 2017 12:50 PM
To: Ryser, Megan
Subject: FW: Prevailing Wage

From: Bryan C. Williams [mailto:bwilliams@abcofohio.org]
Sent: Friday, March 17, 2017 1:06 PM
To: Rep76 <Rep76@ohiohouse.gov>
Subject: Prevailing Wage

Rep. LaTourette,

I write to encourage you to cosponsor Representative Roegner and Riedel's permissive local government exemption prevailing wage bill. This is a companion bill to SB 72.

Points to Consider

- Over **20 states have no prevailing wage mandate** and the quality of their public buildings are no better or worse than in Ohio.
- Prevailing wage in Ohio is set by unions – not the state.
- Exempting public school construction from prevailing wage saved tax payers and property owners **billions** in dollars since 2000.
- Approximately 50% of OFCC construction projects are completed by union contractors – even though there is no prevailing wage on school construction.
- Prevailing wage is nothing more than an unfunded state mandate that requires higher construction costs and regulation.
- Since the state has dramatically reduced funds given to local governments, the least Ohio can do is **permissively** allow local governments to decide if they want to reduce their public construction costs.

Thank you for your consideration.

Bryan C. Williams

Director of Government Affairs

(614) 359-4846

bwilliams@abcofohio.org



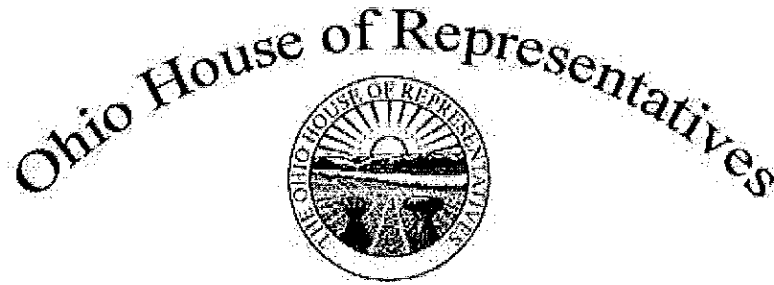
From: Trefny, Charles

Sent: Monday, March 20, 2017 3:25 PM

To: House_All

Subject: Co-sponsor Request Commercial Roofing License

Attachments: Co-sponsor Commercial Roofing License.docx



To: All House Members

From: Rep. Tom Patton

RE: Co-sponsor Request: Commercial Roofing License

Date: March 20, 2017

I will soon be re-introducing legislation that will add a roofing license section to Ohio's existing specialty contractors licensing structure. This license would apply to commercial roofing contractors only.

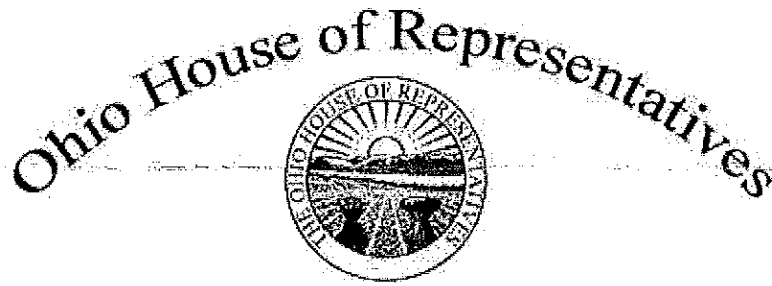
This legislation will be identical to that of SB 249 from the 131st General Assembly, which passed out of the Senate Transportation, Commerce and Labor Committee 11-0.

The Ohio Construction Industry Licensing Board currently licenses commercial contractors performing plumbing, HVAC, hydronics, refrigeration, and electrical work in the state. The OCILB is composed of five boards that each oversee one of the specialties listed above, and one Administrative Board. This legislation would establish an additional board for commercial roofing contractors and add one roofing board member to the Administrative Board.

This legislation has the support of all interested parties involved in the formation of the bill, including the Ohio Roofing Contractors Association, ACT Ohio, and ABC of Ohio, and will finally allow our state to more efficiently regulate both in- and out-of-state roofing contractors. As we enter the summer season, out-of-state companies are preparing to come into Ohio in the wake of major storm systems to perform home repairs. These companies take work away from local businesses, and their repairs may prove to be held to a much lower standard. This bill will allow Ohio to regulate commercial roofing contractors and prevent "storm chasers" from taking advantage of our constituents in the aftermath of severe weather. It also ensures that roofing contractors performing work in this state are properly trained and certified.

Copies of this legislation will be available upon request. If you would like to co-sponsor this legislation or if you have any questions, please contact Charlie Trefny in Rep. Patton's office at Charles.Trefny@ohiohouse.gov by close of business on **Friday, March 24th**.

Charlie Trefny | Senior Legislative Aide
State Representative Tom Patton
Majority Whip
614-466-4895
charles.trefny@ohiohouse.gov



To: All House Members

From: Rep. Tom Patton

RE: Co-sponsor Request: Commercial Roofing License

Date: March 20, 2017

I will soon be re-introducing legislation that will add a roofing license section to Ohio's existing specialty contractors licensing structure. This license would apply to commercial roofing contractors only.

This legislation will be identical to that of SB 249 from the 131st General Assembly, which passed out of the Senate Transportation, Commerce and Labor Committee 11-0.

The Ohio Construction Industry Licensing Board currently licenses commercial contractors performing plumbing, HVAC, hydronics, refrigeration, and electrical work in the state. The OCILB is composed of five boards that each oversee one of the specialties listed above, and one Administrative Board. This legislation would establish an additional board for commercial roofing contractors and add one roofing board member to the Administrative Board.

This legislation has the support of all interested parties involved in the formation of the bill, including the Ohio Roofing Contractors Association, ACT Ohio, and ABC of Ohio, and will finally allow our state to more efficiently regulate both in- and out-of-state roofing contractors. As we enter the summer season, out-of-state companies are preparing to come into Ohio in the wake of major storm systems to perform home repairs. These companies take work away from local businesses, and their repairs may prove to be held to a much lower standard. This bill will allow Ohio to regulate commercial roofing contractors and prevent "storm chasers" from taking

advantage of our constituents in the aftermath of severe weather. It also ensures that roofing contractors performing work in this state are properly trained and certified.

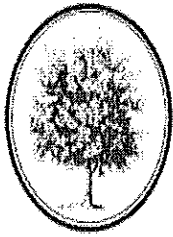
Copies of this legislation will be available upon request. If you would like to co-sponsor this legislation or if you have any questions, please contact Charlie Trefny in Rep. Patton's office at Charles.Trefny@ohiohouse.gov by close of business on **Friday, March 24th**.

From: The Buckeye Institute

Sent: Tuesday, March 21, 2017 3:34 PM

To: Rep76

Subject: Your Buckeye Institute won big at U.S. Supreme Court today--even if your bracket went down in flames



THE BUCKEYE INSTITUTE

Contact: Daniel Dew, Criminal Justice Fellow
(614) 224-4422 or Daniel@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE

March 21, 2017

The Buckeye Institute Secures Tremendous Victory Against Obama Administration with U.S. Supreme Court Ruling Tuesday Morning--No Disrespect to March Madness

COLUMBUS, OHIO--Your Buckeye Institute enjoys college hoops as much as anyone else--and we're not even going to mention Ohio State's basketball team--but a much more important and lasting win happened today.

In late September, The Buckeye Institute filed a brief asking the U.S. Supreme Court to serve as a check on overreach committed by the Obama administration.

And this morning, for old times' sake, the U.S. Supreme Court gave a special final sendoff to President Obama's pen and phone.

In the Court's opinion Tuesday-morning ruling in favor of the challenger (and yours truly), Chief Justice Roberts wrote for the majority, "The glitch in th[e government's] argument is of course the text of [the statute]."*

*Dang!!! Talk about a judicial zinger. Justice Roberts, we hardly recognize you!

Indeed, those pesky statutes and the U.S. Constitution were constantly hindering the Obama Administration's plans.

In this case, President Obama completely ignored the Federal Vacancies Reform Act (FVRA), which allows the president, with restrictions, to temporarily fill vacancies that would otherwise need Senate approval.

One of the conditions of the FVRA is that the president cannot play fast and loose with the Senate's role in confirming appointees by temporarily filling a position with the same person who is then nominated for the "permanent" position as well.

In 2010, President Obama did exactly what this act forbids--he tapped Lafe Solomon to temporarily fill the vacancy as the National Labor Relations Board (NLRB) general counsel, and then nominated Solomon to permanently fill the same position he was already temporarily holding.

The Buckeye Institute's President Robert Alt said of the high court's decision today, "The Buckeye Institute's victory at the U.S. Supreme Court in *National Labor Relations Board v. SW General, Inc.* reaffirms a basic principle all Americans understand and support: we are a nation of laws, not of men. No one is above the law--not even the President himself."

The Buckeye Institute will continue to fight to ensure that our government operates within the limits established by law. To all of our supporters, today is your day. You won this case. You sent your financial contributions to support our efforts, you encouraged us not to give up the good fight, and you steadfastly believed with unwavering conviction that here in these United States of America, justice would ultimately prevail.

We dedicate this excellent decision today by the Supreme Court to you who faithfully contribute generously and thoughtfully to support our efforts to bring cases like this forward and fight back against unconstitutional acts even by the most powerful officeholder in the world. We are humbled and grateful to be able to do this work day in and day out with your help--and win these cases--thanks to you good people.

Take a bow, and then raise a toast with us, "Today is a great day. My bracket lost resoundingly, but justice won undoubtedly."

###

BACKGROUND: Founded in 1989, The Buckeye Institute is an independent research and educational institution--a think tank--whose mission is to advance free-market public policy in the states.

The Buckeye Institute is a non-partisan, non-profit, and tax-exempt organization, as defined by section 501(c)(3) of the Internal Revenue code. As such, it relies on support from individuals, corporations, and foundations that share a commitment to individual liberty, free enterprise, personal responsibility, and limited government. The Buckeye Institute does not seek or accept government funding.

The Buckeye Institute, 88 E. Broad Street, Suite 1120, Columbus, OH 43215

[SafeUnsubscribe™ rep76@ohiohouse.gov](#)

[Forward email](#) | [Update Profile](#) | [About our service provider](#)

Sent by info@buckeyeinstitute.org

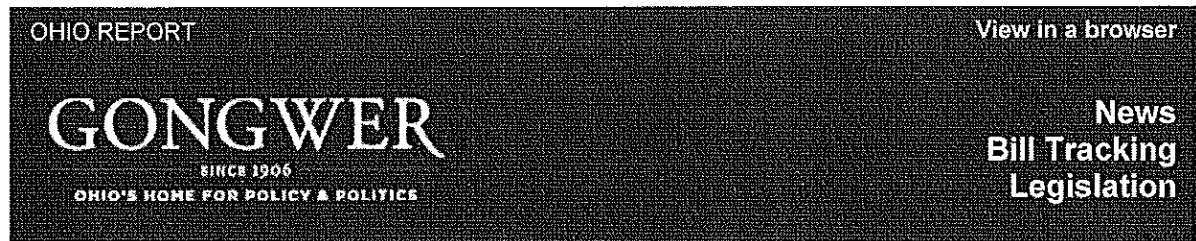
From: Gongwer News Service

Sent: Tuesday, March 21, 2017 7:39 PM

To: DL_Gongwer

Subject: Ohio Report, Tuesday, March 21, 2017

Attachments: Mar21.htm; 170321dayplan.htm; Mar21House.htm; Mar21Senate.htm



OHIO REPORT TUESDAY, MARCH 21

Sides Stake Positions On Energy Standards Bill As Committee Vote Looms

Medicaid Managed Care Plans Say They're Ready For Increased Caseload

OMA, Policy Matters Question Tax Shifting, Income Tax Cut In Budget Testimony

Tax Commissioner Addresses Lingering Questions From Agency Review Subcommittee

AG Director Opposes Bill On Food Service Inspection Rules, Cites Threat To Food Safety

Professors Follow Universities' Leads In Pushing Back On Budget Proposals

Western Governors University Seeks State Designation

Psychologists Protest Budget Plan To Consolidate State Board

**Public Works Prepared To Handle Increased Funding For Local
Transportation Projects, Director Says**

**Bill Proposes Higher Vehicle Registration Fee In Exchange For Fuel Tax
Cut**

**Audit Finds More Than \$20,000 In Illegal Spending At Community
Correctional Facility**

Gongwer Statehouse Job Market Updated

Supplemental Agency Calendar

Supplemental Event Planner

Senate Committee Hearings

Health, Human Services & Medicaid

Transportation, Commerce & Workforce

Local Government, Public Safety & Veterans Affairs

Judiciary

House Committee Hearings

Financial Institutions, Housing & Urban Development

Ways & Means

Economic Development, Commerce & Labor

Criminal Justice

State & Local Government

Public Utilities

Federalism & Interstate Relations

Education & Career Readiness

Finance: Health & Human Services Sub.

Finance: Transportation Sub.

Finance: State Government & Agency Review Sub.

Finance: Higher Education Sub.

ACTIVITY REPORTS

House

Senate

CALENDARS

Day Planner

Please send all correspondence to gongwer@gongwer-oh.com. This mailbox is not regularly monitored.

[View as a Web Page](#)

Copyright 2017, Gongwer News Service/Ohio

17 S. High St., Suite 630, Columbus OH 43215

All Rights Reserved. This message and any attachments may not be forwarded or reproduced without
express permission from Gongwer News Service.

[unsubscribe](#)

Volume #86, Report #54 -- Tuesday, March 21, 2017

Sides Stake Positions On Energy Standards Bill As Committee Vote Looms

Environmental groups, renewable energy businesses and others turned out in droves Tuesday to voice opposition to fast-tracked legislation to render Ohio's renewable energy standards unenforceable goals.

Proponents, meanwhile, argued that the mandates are unnecessary and that the bill (HB 114) wouldn't negatively impact clean energy jobs.

The House Public Utilities Committee is on track to vote the measure out of committee March 29, according to Chairman Rep. Bill Seitz (R-Cincinnati). He said the committee will meet Wednesday next week after session instead of at its normal Tuesday meeting time.

The measure would therefore have to hit the House floor for a chamber vote during the March 30 if-needed session if House Speaker Cliff Rosenberger (R-Clarksville) is to realize his goal of voting the measure out next week.

During the bill's second hearing Tuesday, 37 opponents submitted testimony - most of them in writing only - on the bill. The roster was similar to the entities that gave hours of testimony in December on a less far-reaching bill on the same subject matter than was ultimately vetoed by Gov. John Kasich. (See Gongwer Ohio Report, December 8, 2016)

Their main argument against the bill is the same as the one they fired at the bill's predecessor (HB554, 131st General Assembly): that it will drive away potential economic investment by injecting additional uncertainty into the market.

"Ohio has a lot to lose in the way of economic development as a result of this sort of policy uncertainty," Apex Clean Energy President and CEO Mark Goodwin said.

"With the expiration of the RPS freeze and resumption of the standards this year, Ohio is again positioned to be an all-of-the-above energy leader and an attractive place to do business," he added. "By functionally moving the RPS standards to voluntary goals, and again changing the rules of the game, HB114 would only heighten uncertainty in Ohio's investment climate."

But proponents fought back against the idea the bill would cost clean energy jobs, with Americans For Prosperity-Ohio State Director Micah Derry telling Rep. Kent Smith (D-Euclid) that claim is a "logical fallacy."

Six entities submitted proponent testimony, arguing that companies are already striving to meet the benchmarks because the market is incentivizing them. The mandates, they

said, are therefore unnecessary. Others submitting proponent testimony included the Ohio Christian Alliance, the Ohio Energy Group, API-Ohio, Industrial Energy Users-Ohio and the Ohio Coal Association.

"Mandating certain measures over others is picking winners and losers, using dollars to meet quotas rather than installing technologies that truly work," API-Ohio Executive Director Chris Zeigler said. "Ohio companies need the freedom to constantly evaluate their energy choices. Mandates act as anti-competitive measures that must be met without regard to the most effective measure that a company may select."

The hearing was the latest step toward a potential rematch between Republican lawmakers and Gov. Kasich, who last week signaled he would again veto any attempt to water down the standards. (See Gongwer Ohio Report, March 13, 2017) And Senate President Larry Obhof (R-Medina) said last week he's uncertain what kind of reception the bill will receive in the upper chamber. (See Gongwer Ohio Report, March 17, 2017)

In their testimony, opponents also criticized the expanded opt-out provisions in the bill. The bill would permit any customer to opt out of any rider or recovery mechanism to cover renewable energy costs. And it would expand the industrial opt-out to include customers using 700,000 kilowatt hours per year.

"Allowing the lion's share of the industrial (and likely commercial) class to opt out means that utilities will have to scale back their industrial efficiency programs, depriving not just those customers, but all Ohioans, of valuable cost savings," Natural Resources Defense Council Staff Attorney Samantha Williams wrote in testimony. "At the same time, the industrial customers will be benefiting from energy savings produced by residential and small business customers. That seems inequitable."

Sam Randazzo, general counsel for proponent Industrial Energy Users-Ohio, said the streamlined opt-out expansion would allow the largest electricity users "to get out of the way of Ohio's" standards. He also welcomed the bill's expansion of what counts as energy efficiency.

"The streamlined opt-out mechanism requires an adjustment in the energy efficiency and peak demand reduction compliance baselines so that the compliance obligation associated with the opt-out customers' kilowatt-hours or kilowatt demand is not shifted to other customers," Mr. Randazzo testified.

Mr. Randazzo agreed with Rep. Keith Faber (R-Celina) that an opt-in system for ratepayers would be a more effective mechanism for these programs. Why, in that case, would lawmakers not permit residential customers opt-out ability? Rep. Faber responded.

Ohio Consumers' Counsel Bruce Weston, who opposes the bill, proposed that lawmakers implement an annual limit on the amount utilities may charge customers for energy efficiency program costs, utility profits, and lost revenues.

He said the bill as written would permit utilities to charge customers for shared savings even in years the company had no energy efficiency programs.

"This means higher charges would result without a corresponding value to consumers," Mr. Weston wrote in his testimony. "The bill should prohibit utilities from collecting profits from customers in a year in which the utility relied on its 'banked' energy savings to meet the statutory benchmark."

Religious groups also joined the debate, with Ohio Christian Alliance President Chris Long saying the "wind and solar energy experience is being carried on the backs of" single mothers, families and seniors. But Ohio Christian Coalition State Director Tyler Duvelius argued energy efficiency programs "put more money back into the pockets of Ohio ratepayers."

The Ohio Chamber of Commerce, the Buckeye Institute and the Midwest Energy Efficiency Alliance submitted interested party testimony.

As the afternoon wore on, opponent groups released statements further decrying the bill and its potential impact on Ohio's economy. The Ohio Conservative Energy Forum said the bill "falls short" and is a "rehash" of years of failed efforts to repeal the standards.

"While some in the legislature continue to rehash the same debate that has continued now for more than four years, Ohio continues to lose out on economic development opportunities," the group said.

And a coalition of large businesses such as Nestle and Whirlpool, which is represented by Ceres, said, "Ohio's clean energy standards enjoy significant support from the business community."

"This new bill will only create prolonged uncertainty for businesses and investors operating in the state," Ceres President Mindy Lubber said on behalf of the coalition. "Ohio lawmakers should dismiss this legislation and protect Ohio's clean energy economy."

Subscribers Note: For full testimony, see the committee's website under March 21.

Medicaid Managed Care Plans Say They're Ready For Increased Caseload

Representatives of the state's Medicaid managed care plans told a House panel Tuesday they are prepared to handle an added workload proposed in the executive budget.

The budget proposal (HB 49) calls for nearly all remaining Medicaid populations to move into managed care, including long-term care.

Opponents of that change have cited problems providers faced with receiving payments and getting paid on time through the MyCare Ohio program, a demonstration project for

people enrolled in both Medicaid and Medicare. (See Gongwer Ohio Report, March 14, 2017)

The six Medicaid managed care plans told the House Finance Subcommittee on Health and Human Services that their work can improve quality and care coordination and that they expect a smoother transition than happened with MyCare.

Tracy Davidson, CEO of the United Healthcare Community Plan of Ohio, said the cause of problems with payments in the MyCare program partly stems from the loss of a claims clearinghouse days before the program's launch.

"As an industry, we learned a great deal from that experience and developed systems and processes to ensure non-traditional Medicaid providers are reimbursed appropriately and in a timely fashion while saving them money they would have normally had to spend on clearinghouse services," she said.

Rep. Emilia Sykes (D-Akron) said the budget proposes moving long-term care, behavioral health and the Children with Medical Handicaps program into managed care, and that it could pose a burden for the plans.

"It seems that there are three very complex populations that all require different levels of needs of plans at the same time," she said.

Anthony Evans, senior vice president of integrated care at CareSource, said his plan has learned from problems that arose during the MyCare implementation, and does not expect those to happen again.

Chairman Rep. Mark Romanchuk (R-Mansfield) said he has heard that some providers are still having problems receiving timely payments.

Miranda Motter, president and CEO of the Ohio Association of Health Plans, said the proposal to move Medicaid managed long-term services and supports into managed care is not the same as MyCare. The MyCare program, she said, was a federal partnership, and many of the problems stem from federal requirements.

"A large part of those challenges that resulted was really a part of that federal overlay," she said.

Rep. Romanchuk said he has not seen data showing that the managed care in MyCare has improved quality outcomes for patients, and asked the plans to provide information on the quality results for patients.

Steve Wermuth, network manager for the Ohio Aging Services Network, said many of the problems with MyCare came from inefficiencies rooted in the fee for service system that were included in MyCare. Those included slow authorizations due to paperwork, he said.

Mr. Wermuth, whose group represents a network of long-term care facilities, said managed care, if done properly, can be beneficial to the facilities. MyCare, he said, includes more than 100,000 members out of the state's 180,000 dual-eligible people.

"This is not a demonstration project, it's a transition project," he said. "When you look at how many people are involved in it, this isn't a sample. It's the next movement."

David Parker, general manager of the central division of HCR ManorCare's skilled nursing and rehabilitation operations, said the payment times for MyCare remain long - 130 average days to pay versus 65 days for Medicaid fee for service.

"HCR ManorCare is not opposed to outsourcing to the private sector, but they should be held to the same standard of performance as a government agency," he said. "We should allow the demonstration period to run its course, evaluate defined and agreeable data to determine success or failure, and then determine next steps of action as partners."

Asked by Rep. Romanchuk if it was any particular managed care plan that he had struggles with, he said it was with all, but all are improving.

"I think all are improving, I really do, but I don't think we're there yet," he said. "If we roll it out as a demonstration process in 2014 through '19, why are we jumping in now?"

OMA, Policy Matters Question Tax Shifting, Income Tax Cut In Budget Testimony

Interested parties on Tuesday voiced concern about so-called "tax shifting" and additional income tax cuts in the executive budget proposal.

The Ohio Manufacturers' Association, Policy Matters Ohio and a Summit County business owner appeared before the House Ways & Means Committee during the budget bill's (HB 49) sixth informal hearing before the committee.

Also submitting written testimony were the Ohio Premium Cigar and Pipe Association and the Ohio Township Association.

A major concern from OMA involves the aforementioned tax shifting, which critics have said is the means by which the governor is proposing to fund his proposal to reduce personal income taxes by \$3.127 billion over two years for a \$39 million net tax cut. (See Gongwer Ohio Report, January 30, 2017)

OMA Tax Counsel Mark Engel said such tax shifting is not beneficial and is counterproductive to both businesses and consumers.

"Rather, if income tax rates are to be reduced further, exclusions and exemptions from the personal income tax ought to be reexamined," he said. "If rates are reduced, the

need for those exclusions and exemptions disappears. This would provide a broader base and a lower rate for all taxpayers, reduce overall taxes and avoid the problems of tax shifting."

Mr. Engel also urged lawmakers to maintain a low Commercial Activity Tax rate and to limit the number of exemptions. He said the group is pleased the budget is not calling for a large expansion of sales taxes for certain business services, but said the group is wary about potential future sales tax increases.

"OMA applauds recent efforts, including House Bill 49, to reduce Ohio's personal income tax rates and collapse the number of income tax brackets," he said. "However, OMA is concerned when those efforts have typically been tied to a proposal to increase the sales tax."

PMO Research Director Zach Schiller said the budget does not adequately fund schools or public transit. "In short, we are underinvesting in key services that will allow our state to thrive and Ohioans to succeed. We need more revenue," he said.

He said the budget does have some "positive elements," such as increasing the severance tax - a proposal Republican lawmakers have promised to remove.

But he said that as a whole "Gov. Kasich's tax proposal would further reinforce the shift in Ohio's state and local tax system in favor of affluent residents and against those with lower or middle incomes."

He called reducing the number of income brackets a "solution in search of a problem" since the number of brackets is not linked to economic performance.

"Does anyone believe there are fewer successful start-up businesses in California because its state income tax has 10 brackets, more than the nine in Ohio?" he asked. "Among the seven states that have had a flat, one-rate tax for the last decade, three have shown better job performance than the nation as a whole. But four have lagged behind - and those four happen to be the ones most similar to Ohio: Illinois, Indiana, Michigan and Pennsylvania."

Rep. Jack Cera (D-Bellaire) questioned the proposed income tax cut given the state's recent economic performance, underperforming tax collections and Gov. Kasich's December remark the state was on the "verge of a recession." (See Gongwer Ohio Report, December 6, 2016)

Mr. Schiller said Ohio is not alone in having a revenue shortfall. And he acknowledged he can't prove a negative in the form of Republicans' argument that the economy would have fared even worse without tax cuts in recent years.

"What we can say, though, is that when we saw these tax cuts approved over a period of 12 years we were told this would lead to greater economic growth and jobs," he said. "The data available to us show that Ohio is underperformed the nation that it will

continue to underperform the nation. In the meantime we're losing giant amounts of revenue, most of it went to people that don't need it."

Rep. Bill Reineke (R-Tiffin) asked how the witness can be so confident the tax cuts will not be reflected in future investments.

"I think what is often ignored in tax policy is what could we be doing in \$3 billion in tax cuts we've been getting since 2005?" Mr. Schiller replied. "\$3 billion is a lot of money and it could do a lot to educate our people. ... We have alternate uses to which this money could and should be put."

John Green, who owns a business called Cafe O'Play, testified in support of the budget. He said he has to pay taxes in anywhere from four to nine municipalities depending on his staffing. As a result, he said he favors the governor's proposal to centralize municipal tax collections.

"While I only have one location now and only pay net business profit tax to one municipality, expansion is part of our long term plan. If I were to expand to other locations it would add another layer to our taxes," he said. "I think the proposal, in the governor's budget, for simplifying the complicated filing system for municipal tax on net profits makes very good sense from my perspective and would make expansion easier for us."

And he praised Gov. Kasich's budget provision that would require teachers to shadow someone in the business community every five years to renew their license. The idea has drawn opposition from teachers and Democrats.

Subscribers Note: For full testimony see the committee's website under March 21.

Tax Commissioner Addresses Lingering Questions From Agency Review Subcommittee

Tax Commissioner Joe Testa returned to the House Finance Subcommittee on State Government & Agency Review Tuesday to address several outstanding questions previously posed by members.

Mr. Testa's supplemental budget (HB 49) testimony, following up on questions raised during his appearance before the committee earlier this month, touched on everything from the Department of Taxation's personnel expenditures to municipal complaints about the Ohio Business Gateway. (See Gongwer Ohio Report, March 14, 2017)

He explained that although the Department of Taxation has reduced its full-time equivalent employment by 30% since FY 2011, the average FTE expense has steadily increased, rising from \$77,500 to \$99,500 per FTE. Total payroll costs, he said, have therefore increased despite the reduction.

He also addressed questions on the cost of: securing ODT data, purchasing supplies and equipment over the next biennium, and spending for the ODT's California office.
(Written Answers)

Rep. John Patterson (D-Jefferson), given the continued operation of the ODT's Los Angeles office, questioned whether the shuttered New York and Chicago ODT offices were losing money.

"Certainly we didn't feel they were cost-effective," Mr. Testa said. "Whether they were losing money I don't know if it can say that, but we can pull out the data."

Rep. Patterson said he was "astounded" by the quantity of security software purchased by ODT in recent years. Calling the purchases "diligent," he asked whether there have been security breaches in the past.

"It's safe to say no breaches," Mr. Testa said. ODT Deputy Director of IT Mark Walker said he could not point to any instance in which a program or system was scrapped because of security inefficiencies.

ODT spent a cumulative \$2.47 million on IT security measures over the last four years, according to the department's figures. Responding to Rep. Jim Butler (R-Oakwood), Mr. Testa said those are cumulative figures for programs that remain in place even after the year of purchase.

Chairman Rep. Keith Faber (R-Celina) asked why FY2017's IT security spending nearly doubled from the prior year -- moving from \$405,759 in FY 2016 to \$855,394.

"What we implemented was a more robust tool within our network which is able to identify when we're under attack," Mr. Walker said.

Mr. Walker agreed with Rep. Faber that those programs should be paid for with operating funds rather than capital dollars. But he and Mr. Testa were unable to immediately provide the amount of funding ODT is requesting for that line item under the proposed budget.

Rep. Faber asked the director to provide that information to the subcommittee in the future. He also continued pressing the commissioner on municipal concerns that the Ohio Business Gateway is unprepared to handle the added workload that would result from a budget provision mandating centralized municipal business income tax collections.

"If Ohio Business Gateway was anywhere near as broken as some would have you think, we would be the first to know," Mr. Testa said.

Responding to a question from Rep. Theresa Gavarone (R-Bowling Green), the tax commissioner said the municipal tax plan would help businesses by going from 600 sets of regulations to one.

Following several other questions from members citing various concerns from cities about the centralized collection provision, Mr. Testa told Rep. Faber that he could assure cities that OBG would be able to handle the new task.

Regarding complaints over the plans for quarterly disbursements from the state, ODT informed panelists that while third-party groups that currently do the work for some cities can provide them monthly payments, most revenue comes from quarterly estimated payments.

Mr. Testa said in response to another question from Rep. Faber that the proposed 1% fee could be reduced in the future.

Melinda Frank, income tax administrator for the city of Columbus, testified in opposition and pushed back on several points made by the administration over the last few weeks regarding centralized tax collections. (Testimony)

Among other points, she questioned the data used by the administration to back its argument that most cities would save money by paying the state 1% to administer the tax. Her comments were in line with previous concerns raised by municipalities that the OBG is unable to handle the increased workload and that the mandate's 1% collection fee would drive up costs for cities. (See Gongwer Ohio Report, March 7, 2017)

"The validity of the information provided to this subcommittee and to the House Ways and Means Committee with regard to costs to administer the income tax in each of 96 municipalities is questionable at best, and for those communities that include the amount of refunds issued in their reported expenditures, just flat out wrong," she said.

"Utilizing numbers found in reports without knowledge of the basis of those numbers yielded results used in support of the position proposed by H.B. 49 that administration and collection of the municipal net profits tax by the Department of Taxation would be more cost effective for municipalities."

Ms. Frank also raised concerns that cities would lose any standing regarding municipal income taxes, because the way the bill is written they would in essence be replaced by a new state tax based on municipal rates.

"There is no ability for a municipality to audit, no ability to question a filing or a refund request, no ability to question or appeal a finding of the State Commissioner. As it is not a municipal tax, there is no basis to allow municipalities to view filings or verify any information provided by the taxpayer," she said.

Ms. Frank, as other city representatives have stated, also criticized the proposal's impacts on cash flow and the forced use of the OBG. She remarked that the city would never recoup the first quarter delay in payments to the city and asked that all of the muni tax-related language regarding centralized collections be removed from the bill.

Worthington City Council President Bonnie Michael said in written testimony that the budget provisions would cost Worthington about \$23,000 in additional fees.

AG Director Opposes Bill On Food Service Inspection Rules, Cites Threat To Food Safety

Department of Agriculture Director David Daniels on Tuesday testified in opposition to a bill revising the state's evaluation methods for sanitarians.

While the administration is always open to ways it can improve operations and become more business-friendly, he said the bill (HB 654) as written does neither. (Testimony)

ODA and the Department of Health are legally required to evaluate local boards of health, including local sanitarians' skills at inspecting restaurants and grocery stores, he said.

"Proponents of this legislation have argued our evaluations take too long and negatively impact businesses. I submit our evaluations take as long as necessary to properly inspect a facility and keep people safe," Mr. Daniels said.

Mr. Daniels told the panel that many local health districts are not meeting the food code requirements, thus putting consumers at risk. In regard to focusing on critical violations, Mr. Daniels explained that it is important that food safety inspections must focus on identifying all violations.

The director said the agency found portions of the bill to be unclear and ambiguous. On one hand, proponents of the bill claim the bill would raise the bar for health surveys by requiring sanitarians to identify 90% of critical violations, he said. However, ODA believes this language could be interpreted to allow sanitarians to observe as low as 20% of all critical violations.

"We have worked in good faith and made changes to the way evaluations are conducted and what's expected. What's being asked of us in this legislation is a step too far and, frankly, it's a threat to food safety," Mr. Daniels told the panel.

In response to bill sponsor Rep. Brian Hill (R-Zanesville), Mr. Daniels said that the benchmarks laid out in the bill for identifying critical violations are too low. Rep. Hill replied that this is not the intent of the bill, rather it is meant to increase the benchmarks.

Mr. Daniels said that while critical violations pose a more immediate threat, the overall sanitary conditions of a facility could be equally as hazardous.

He added that ODA has been flexible with noncritical violations that can be easily corrected, thus the overemphasis on critical violations in the bill is going too far.

Rep. Hill replied that he believes that outbreaks of foodborne illnesses in Ohio typically occur at unregulated events, such as church picnics and potlucks. He told Mr. Daniels that he does believe the majority of the blame for outbreaks should lie with local sanitarians, who are very educated and qualified individuals.

Mr. Daniels told the panel that one thing that strikes him most about the bill is that what is laid out is largely what already happens.

Rep. Hill said that he agrees they share the goals of trying to help Ohio businesses to move forward, but that there needs to be away to change the attitude of inspections and focus more on improvement.

Professors Follow Universities' Leads In Pushing Back On Budget Proposals

Professors on Tuesday stood with their employers in calling on lawmakers to revise budget provisions on textbooks and College Credit Plus as well as increase State Share of Instruction and OCOG funding.

Ohio Faculty Council Chair Dan Krane told the House Finance Subcommittee on Higher Education that there is a "disconnect" between Ohio's goal of 65% of Ohioans holding degrees or certificates by 2025 and executive budget (HB 49) proposals.

He said the modest 1% increase in SSI coupled with a tuition freeze doesn't promote optimism in reaching that goal.

"At a minimum, there would need to be an average 5% increase in certificates and degrees awarded for each of the next eight years," Mr. Krane said. "To achieve the state's attainment goals there should be at least a 5% increase in SSI."

"A 1% increase in SSI is well below the Consumer Price Index and should not be expected to result in an increase in the fraction of Ohio residents with certificates and degrees," he added.

He also took issue with provisions that would require institutions to cover the cost of student textbooks and revise CCP.

"It is our collective experience that textbook costs are not a common reason for students to not obtain a certificate or degree from one of Ohio's public universities," Mr. Krane said, asking the panel to remove the textbook provision.

"Still, faculty are already eagerly developing and implementing programs that would reduce textbook costs for their students. We would welcome the opportunity to participate in a study group on this issue."